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Docket Clerk
U.S. Department of Agriculture
Food Safety and Inspection Service
300 12th Street, S.W.
Room 102 Cotton Annex
Washington, DC 20250

Docket No. 04-021ANPR, "Federal Measures to Mitigate BSE Risks: Considerations for Further Action"

On behalf of The Humane Society of the United States (HSUS) and the more than 8 million supporters of our organization nationwide, we would like to take this opportunity to submit comments regarding the Advance Notice of Proposed Rulemaking "Federal Measures to Mitigate BSE Risks: Considerations for Further Action." One of the most prudent measures taken by the United States Department of Agriculture (USDA) to mitigate bovine spongiform encephalopathy (BSE) risks was the banning of all non-ambulatory disabled cattle (downers) from the human food supply. We strongly support this policy as it helps to protect animal welfare and the safety of our food supply. We therefore urge the Food Safety and Inspection Service (FSIS) not to provide exemptions from the non-ambulatory disabled rule even for countries that are "BSE free" or have some other low-risk status. Processors abroad should be held to the same standards as required for American processors on this important matter.

Animal Welfare

Downed animals suffer terribly. Firstly, they suffer as a result of the illness and or injury that incapacitates them. A study on disabled cattle found their cortisol levels (a physiological indicator of stress) were nearly triple that of normal healthy cattle. The researchers concluded that the cows were suffering from severe stress.[1] Furthermore, because they need special processing, downed animals may be left in this condition for hours or days without food, water, or veterinary care as they await slaughter.

Transporting downers in inhumane ways compounds this suffering. Non-ambulatory animals are difficult, if not impossible, to transport humanely. Investigations by The HSUS and other animal protection organizations have revealed that animals too sick or injured to stand or walk are routinely kicked, dragged with chains, shocked with electric prods, and pushed by bulldozers in efforts to move them at auction and slaughter facilities. A national study by industry expert Temple Grandin, Ph.D., found that at some plants the most common handling problem associated with downers was dragging them while they were conscious.[2] Some of these animals could be non-ambulatory due to broken legs. Anyone who has broken a bone knows the need for handling with the utmost care to minimize pain. To be dragged by chains, and perhaps even pulled by the very limb that is broken, is abhorrently cruel. Non-ambulatory cattle in other countries would suffer similarly and this practice should be discouraged by not allowing them into the

food supply. As Dr. Grandin has noted, "Ninety percent of all downers are preventable."[3] It is precisely the cases that involve broken bones and other injuries that are the most preventable with improved animal husbandry and handling practices. Prohibiting use of these animals for human food – regardless of their country of origin – will encourage greater care to keep them from becoming downers in the first place.

Food Safety

Allowing downers to be processed for human food threatens the safety of the food supply. Non-ambulatory disabled cattle are understood to be at heightened risk for BSE. A Swiss study (one of several cited by USDA) found that downer cattle are 49 to 58 times more likely to have BSE than cattle identified through passive surveillance (i.e., those reported to veterinary authorities as BSE-suspect based on clinical observation).[4,5] Given the terrible and devastating nature of new variant Creutzfeldt-Jakob disease (vCJD) in humans, thought to be caused by eating meat contaminated with the abnormal prions that cause BSE, keeping downer cattle from any country out of the U.S. food supply makes eminent sense.

While we understand that certain countries have been determined to be "BSE free" or at low risk for BSE, our concern is that infectious materials could still enter the United States from BSE-positive countries before they are officially recognized.[6] The global nature of the trade in animals and animal products has made certain diseases like BSE a worldwide problem. Initially identified in the United Kingdom, BSE has since been found across the European continent, in Asia, Canada, and the U.S., demonstrating its ability to cross borders. Until the end of 2003 the United States had for a number of years been following internationally recognized standards for BSE prevention and been considered BSE free. Now a single case of a BSE positive cow found in Washington State has changed this. It has also raised the very real possibility that many more BSE positive animals could be found in this country. International experts have concluded that for each clinically affected animal identified, many animals are infected or exposed.[7] Regardless of "BSE free" claims in particular countries, the FSIS needs to ensure that any country exporting meat to the U.S. has sufficient BSE mitigation measures in place. These should certainly include, at a minimum, ensuring that they are not processing downers. This would also provide a uniformity and consistency to slaughterhouse inspection procedures that is necessary for proper oversight.

Animals unable to stand or walk are not only at a higher risk of suffering from BSE but also have been shown to have a higher prevalence of *Escherichia coli*, *Salmonella*, and other dangerous pathogens that can transmit disease to consumers. In particular *E. coli* O157: H7 is a significant public health concern because it has been implicated in more than 70,000 human infections and around 61 human deaths each year in the U.S.[8,9] Cattle are the primary reservoir for *E. coli* O157:H7[10] and a study on the subject found downer cattle were more than 3 times more likely to have this deadly pathogen than healthy cattle.[11] Downer cows can also shed more salmonella.[12]

Since meat from non-ambulatory disabled animals has a higher chance of transmitting disease it should not be imported. Its importation reduces food security and could contribute to the already growing problem of the globalization of human and animal diseases.

Public Support

When the USDA announced its interim ruling prohibiting the processing of non-ambulatory disabled cattle for the human food supply, there was an outpouring of public support. Major retailers, consumer groups and other nonprofits, and some agricultural organizations and individual ranchers expressed strong support for the ban as well. In fact, of approximately 22,000 comments submitted to the USDA, more than 99 percent strongly support the ban. Details on this and more are included in the linked HSUS report "**Public Comments on USDA's Downed Animal Ban: Major Retailers and the Vast Majority of Americans Support No-Downer Policy; Some Industry Groups Reverse Their Support for the Ban**". The massive support for the ban was not only based on food safety concerns but also humane concerns, and is in line with a 2003 Zogby poll that showed a majority of Americans oppose the use of downed animals for human food. According to that poll, more than three-fourths of the U.S. population feels it is unacceptable to use downed animals for human consumption (77%). An even larger majority of the U.S. population is concerned that sending downed animals to slaughterhouses could put human consumers at risk for mad cow disease (81%).[13] In light of this strong and unwavering support it is highly improbable that the American public would favor the importation of products from downed animals.

In conclusion, we urge the FSIS to require the same standards for BSE risk management of processors in other countries as are required for processors in the United States. Animals that are unable to stand and walk are suffering and their meat and meat byproducts should be entirely kept out of the food supply within this country. Thank you for your time and consideration.

Sincerely,

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[1] LCI Annual Meeting Proceedings. 1996. Website: http://www.animalagriculture.org/Proceedings/1996AMProceedings.asp Accessed August 2004
[2] Grandin T. 1998. Handling of Crippled and Nonambulatory Livestock. *Animal Welfare Information Center Bulletin*. Volume 9, Number 1/2, Fall 1998
[3] Grandin T. 1991. Pro-active activism. *Meat & Poultry*. August 1991
[4] Doherr MG, Heim D, Fatzer R, Cohen CH, Vandevelde M, and A Zurbriggen. 2001. Targeted screening of high-risk cattle populations for BSE to augment mandatory reporting of clinical suspects. *Prev Vet Med. 2001*. 51(1-2):3-16

[5] Food Safety and Inspection Service, USDA. 2004. Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle. *Federal Register* 69(7)1862-1874
[6] Smith DeWaal C and L Vegosen. 2003. Bovine Spongiform Encephalopathy: The Importance of Precautionary Measures to Protect the Food Supply. *Food and Drug Law Journal*. 58(4): 537-548
[7] Liechti R. 2004. Conference report: The international conference on bovine spongiform encephalopathy and food safety, April 17-18, 2002. *Food Control*. 15(2004) 71-77
[8] Byrne CM, Erol I, Call JE, Kaspar CW, Buege DR, Hiemke CJ, Fedorka-Cray PJ, Benson AK, Wallace FM, and JB Luchansky. 2003. Characterization of Escherichia coli O157:H7 from downer and healthy dairy cattle in the upper Midwest region of the United States. *Appl Environ Microbiol*. 2003 Aug;69(8):4683-8
[9] Kassenborg HD, Hedberg CW, Hoekstra M, Evans MC, Chin AE, Marcus R, Vugia DJ, Smith K, Ahuja SD, Slutsker L, Griffin PM, and Emerging Infections Program FoodNet Working Group. 2004. Farm visits and undercooked hamburgers as major risk factors for sporadic Escherichia coli O157:H7 infection: data from a case-control study in 5 FoodNet sites. *Clin Infect Dis*. 2004 Apr 15;38 Suppl 3:S271-8
[10] *Id.*
[11] Byrne CM, Erol I, Call JE, Kaspar CW, Buege DR, Hiemke CJ, Fedorka-Cray PJ, Benson AK, Wallace FM, and JB Luchansky. 2003. Characterization of Escherichia coli O157:H7 from downer and healthy dairy cattle in the upper Midwest region of the United States. *Appl Environ Microbiol*. 2003 Aug;69(8):4683-8
[12] New York State Cattle Health Assurance Program. 2002. Website: http://nyschap.vet.cornell.edu/module/salmonella/section2/SalmonellaRiskAssessment.pdf Accessed August 2004
[13] Zogby International. 2003. Results from Zogby America Poll. Zogby, New York