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03-025IF-126
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Cynthia A. Smith

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

RE: Docket 03-025IF, USDA's Downed-Animal Ban is Too Late and Too Little

After ten (10) years of lobbying for laws to prohibit the marketing and slaughter of downed animals for human consumption, it took one sick Holstein to finally activate the ban. While I welcome the USDA's response to the first mad cow in the United States, I am concerned about its narrow scope.

I understand the USDA has barred down cows from entry into the human food supply and that skull, brain and eye tissue from cattle over 30 months (as well as the small intestines from all cattle) is now banned for human food. The Advanced Meat Recovery System and air-injected stun guns can no longer be utilized. These precautionary steps are not expansive enough to prevent BSE transmission to humans.

In addition, there is not a single measure to address animal welfare.

Noticeably missing from the administrative ban are:

- Regulations applying to farmed animals other than cows;
- Restrictions on the use of downed cows as food for companion animals or "livestock" feed;
- Requirements to humanely euthanize non-ambulatory cows;
- Directives forbidding the use of chains, forklifts, trucks and shock prods to move animals.

Present law permits U.S. stockyards and slaughterhouses to drag, shock, beat and bulldoze frail and crippled animals. Under the new rule animals can still be kept alive until slaughtered for processing and rendering plants to produce tallow, meal or other goods with animal by-products.

I ask the U.S. government to implement an industry-wide ban on the transport, marketing and slaughter of **ALL** downed animals for **ANY** purpose. Please expand the present ban to include:

- Humane euthanasia for downed cows, pigs, sheep, goats or any farmed animals.

Plainly, it is cruel to force living creatures to endure organ failure, broken bones, severed ligaments and open wounds over hours or days. In addition, Transmissible Spongiform Encephalopathies (TSEs) have surfaced in deer, elk, sheep, goats and other animals. No one yet knows the extent to which TSEs can cross the species barrier. All downers are suspect.

- **A ban on moving downed animals.** There is no way to humanely move incapacitated animals. All downers should be mercifully euthanized. At one Texas stockyard, a calf was photographed struggling to stand on a mangled leg attached by a shred of hide and ligament.

- **Mandatory training to prevent animals from becoming downers in the first place.** Without incentive to maintain downers for financial gain, agribusiness might actually improve standards of care. According to Temple Grandin, advisor to the American Meat Institute, “Ninety percent of all downers are preventable.”

- **A ban on the use of downed animals for “pet” and “livestock” foods.** As long as nonhuman food is processed with elements at risk for containing dangerous prions, potential problems exist due to non-compliance with the FDA feeding band and unintended contamination during manufacture. Furthermore, Americans cherish their companion animals. Roughly 100 cats have already been diagnosed with Feline Spongiform Encephalopathy in Europe.

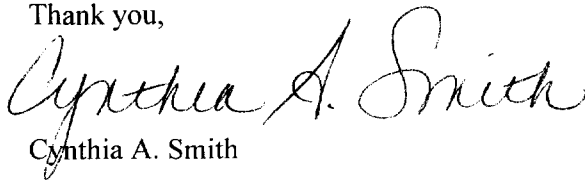
- **Enforceable and permanent implementation.** Any effort to dilute the ban to appease agribusiness is a step in the wrong direction.

Until Congress enacts the Downed Animal Protection Act (S. 1298/H.R.2519), the USDA’s temporary rule is vulnerable. Hopefully, the Downed Animal Protection Act will codify the current ban, cover other species, and designate humane euthanasia for all.

If this legislation had passed in 2002 – or not been rejected as an amendment to the Agricultural Appropriations bill last November – the mad cow in Washington state would never have entered the human food chain.

I strongly encourage the USDA to strengthen and enforce measure to protect animals and reduce rise of BSE.

Thank you,



Cynthia A. Smith