

**Consumer Federation of America ♦ Consumers Union ♦ Public Citizen ♦  
Center for Science in the Public Interest ♦ Creutzfeldt-Jakob Disease Foundation ♦ CJD Voice ♦  
Center for Food Safety ♦ Food Animal Concerns Trust ♦ Organic Consumers Association ♦ Institute for  
Agriculture and Trade Policy ♦ Farm Sanctuary ♦ Friends of the Earth ♦ Government Accountability  
Project ♦ Humane Society of the United States ♦ American Humane ♦ Fund for Animals ♦ Society for  
Animal Protective Legislation ♦ American Society for the Prevention of Cruelty to Animals ♦  
Safe Tables Our Priority (S.T.O.P.)**

April 12, 2004

Dear Representative:

We are writing to voice our strenuous opposition to H.R. 4121, the “Consumer and Producer Protection Act,” introduced on April 1 by Representative Dennis Rehberg. This ironically-named legislation would eviscerate the common sense rule announced on December 30, 2003 by Agriculture Secretary Ann Veneman banning all non-ambulatory cattle from the human food supply. Commonly known as “downers,” non-ambulatory cattle are those unable to stand or walk on their own as a result of illness, injury, or a combination of illness and injury. Representative Rehberg’s bill would allow cattle to be used for human food if they can’t stand or walk due to “fatigue, stress, obdurator nerve paralysis, obesity, or one or more broken or fractured appendages, severed tendons or ligaments, or dislocated joints.”

It’s nearly impossible for inspectors to tell why an animal has become a downer. A system that requires USDA inspectors to determine the reason – and to distinguish between sick and injured downers – would be reckless in the extreme. Illness and injury are often interrelated. For example, an animal’s gait may be affected, causing it to fall and break a leg, before it exhibits clear symptoms of neurological disease or other sickness. Similarly, illness may produce fatigue and stress before other clinical signs become obvious.

The cattle in Canada and the U.S. that have been identified with BSE (bovine spongiform encephalopathy or “mad cow disease”) were officially diagnosed as being non-ambulatory due to calving injuries, pneumonia, and a broken leg. According to the USDA, “downer cattle infected with BSE often cannot be found by looking for the typical clinical signs associated with BSE, because the signs of BSE often cannot be differentiated from the signs of the many other diseases and conditions affecting downer cattle.”

The USDA has recognized that downers are at significantly higher risk of having BSE than other cattle, citing extensive data from other countries. For instance, one study indicated that the chances of finding BSE in downers are 49 to 58 times higher than in cattle reported to veterinary authorities as BSE-suspect. Downers are also much more likely to have other dangerous transmissible diseases, such as E. coli and Salmonella. Given these known risks, it makes no sense to advocate a return to the days of downer cattle being fed to American consumers.

Immediately after Representative Rehberg introduced this ill-conceived bill, his own home-state newspaper, the Missoulian, ran a critical editorial titled “Downer beef isn’t what we want for dinner.” About Rep. Rehberg’s effort to narrow the definition of what constitutes a downer, the newspaper said, “It’s a big mistake....Moving quickly to calm public fears about the safety of beef, the U.S. Department of Agriculture in January banned all crippled cattle from the human food supply, saying research shows so-called ‘downer’ animals are far more likely to be diseased – with mad cow or other maladies – than outwardly healthy animals. The ban met with wide public approval. All concern about mad cow aside, many consumers were unpleasantly surprised to learn that the beef industry had been serving up helpings of sick animals in the first place....[B]eef producers might be well advised to shore up confidence in the quality of the 35 million outwardly healthy animals slaughtered in this country each year, rather than argue over the palatability of the estimated 150,000 obviously ailing downers the USDA proposes to ban.”

We couldn’t agree more. We urge you to oppose H.R. 4121 – and any other attempts to weaken the USDA downer ban – for the sake of consumers, animal welfare, and the long-term interests of producers. We further urge you to make the USDA ban a matter of permanent law by enacting H.R. 2519. It’s time to guarantee that crippled animals never end up on someone’s dinner plate again. Thank you for your consideration.

Sincerely,

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**Consumer Federation of America**

Adam Goldberg, Policy Analyst  
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Wenonah Hauter, Director, Energy and Environment Program  
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