

Congress of the United States

Washington, DC 20515

July 8, 2008

The Honorable Ed Schafer
Secretary
United States Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Secretary Schafer:

Despite our previously ignored requests for the immediate closure of the downer loophole and increased inspection efforts, we write to you in the wake of yet another undercover investigation by the Humane Society of the United States that has revealed the systematic abuse of sick dairy cattle and downed cattle being permitted to enter the food supply at livestock auctions.

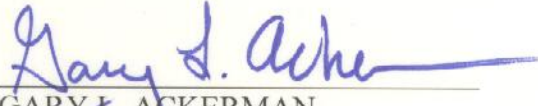
As we noted in our correspondence on January 29, 2008, "USDA has come to acknowledge, downed cattle pose an enormous threat to the safety of our food supply and the health of America's beef consumers. Of the 15 known cases of bovine spongiform encephalopathy (BSE), or Mad Cow disease, in North America, at least 12 involved downed animals. Human consumption of BSE-laden beef has been linked to variant Creutzfeldt-Jakob disease – a fatal, degenerative brain disease for which there is no cure."

While the proposed rule that USDA has since promulgated to close the downer loophole may be well-intentioned, it is clear that more sick and downed cattle will be permitted to enter the food supply in the time it will take for the rule to be finalized. We ask that you use your authority to promulgate emergency rules to close the "downer" loophole immediately.

We also strongly recommend that, in the emergency rule, USDA extend the prohibition on downers to the more than 1,200 livestock markets and auctions across the country and require that operators of those facilities and slaughter plants immediately – and humanely – euthanize "downer" cattle upon identifying them as non-ambulatory.

We thank you for your attention to this matter and would like to meet with you as soon as possible to discuss the complete elimination and the humane euthanization of downed animals from America's food supply.

Sincerely,



GARY L. ACKERMAN
Member of Congress



PETER A. DeFAZIO
Member of Congress