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**Summary of testimony by Michael Greger, M.D., on behalf of the Humane Society of the United States (HSUS) to the Senate Select Committee on Foodborne Illness, “Are we allowing *E. coli* contaminated beef to enter California’s food supply?” hearing on February 25, 2008**

**Background:** In fall 2007, an HSUS investigator accepted a job with Chino, CA’s Hallmark/Westland plant. He drove cattle from trucks and pens into a chute that led to the kill floor. From his first day on the job, he witnessed blatant, commonplace cruelties inflicted on cattle by workers who ignored regulations meant to prevent the abusive torment of downers simply so they could get these crippled cows into the kill box, including: ramming downers with the blades of a forklift; jabbing them in the eyes; and torturing them with a high-pressure water hose to simulate drowning—all in attempts to force sick or injured animals to walk to slaughter. These were not isolated incidences, but heinous acts that happened routinely and were a part of the corporate culture.

**Hallmark/Westland and USDA:** From USDA’s records, we found that in ’07 Westland was the 2<sup>nd</sup> largest beef supplier to USDA’s Commodity Procurement Branch, which purchases food for needy families, the elderly, and the National School Lunch Program, which distributed Westland beef to 43 states in the last two years. USDA named the plant ’04-’05 “supplier of the year.” A USDA veterinarian handling ante-mortem inspection was present only at 6:30 a.m. and 12:30 p.m.—predetermined times at which he approved for slaughter large groups of cattle if able to stand or walk.

**USDA Knowledge of Illegal Animal Mistreatment:** The abuses we documented are being downplayed as conducted by rogue employees, but there is a history of questionable behavior by the company. FSIS cited Westland in ’05 for mishandling animals, and the Pomona Valley Humane Society and SPCA notified USDA three times about possible violations in ’96 and ’97. The USDA itself was not following its own stated policy of keeping downers out of the food supply. The USDA’s Office of the Inspector General chastised USDA in ’06 for its inconsistent and insufficient application of downer policies and regulations. The OIG sampled 12 plants in 10 months and found 29 downers were slaughtered for human food, and the audit noted the lack of documentation on the animals’ fitness for consumption.

**Human Health Concerns:** Downed cattle may be at higher risk of contamination with conventional foodborne pathogens such as *E. coli* and *Salmonella*, and unconventional pathogens that cause mad cow disease and intestinal anthrax. In 2003, a USDA-funded study found downers more than three times *more likely* to harbor the potentially deadly *E. coli* O157:H7 strain than walking culled dairy cows. According to FDA: “Experience has shown that nonambulatory disabled cattle...are the population at greatest risk for harboring BSE.” The FDA cites Swiss data showing a 49-58 times higher chance of finding BSE in downers than in cattle reported as BSE-suspect under passive surveillance. Of the 15 cases of BSE discovered in North America, 12 have reportedly been downers.

**Unacceptable Loophole:** The 2004 no-downer rule was weakened in July 2007, allowing inspection personnel to “determine on a case-by-case basis the disposition of cattle that become nonambulatory after they have passed antemortem inspection,” which is an unrealistic, impossible expectation. Injury and illness are often interrelated, as we saw in at least three of the documented BSE cases in North America, in which downers were identified as nonambulatory due to injury, not illness.

**Next Steps:** We urge Congress to swiftly pass H.R. 661, the Downed Animal and Food Safety Protection Act, which would implement a comprehensive ban on processing downed animals, which the USDA has so far failed to do on its own, and H.R. 1726, the Farm Animal Stewardship Purchasing Act, which would set basic animal welfare standards for producers who sell food to the National School Lunch Program and other federal programs. USDA needs to revamp its inspection procedures, providing for more random ante-mortem checks and a greater presence of personnel in the handling areas. USDA should also require video cameras in the ante-mortem inspection area and allow for viewing of the tape by the inspectors and by independent 3<sup>rd</sup> parties.

*Celebrating Animals, Confronting Cruelty*