

# United States Senate

WASHINGTON, DC 20510

May 19, 2008

The Honorable Ed Schafer  
Secretary  
U.S. Department of Agriculture  
1400 Independence Ave., SW  
Washington, DC 20250

Dear Secretary Schafer:

We urge you to amend the USDA rule on the disposition of non-ambulatory cattle to ensure that these animals do not enter the food supply. Recently released undercover video footage of non-ambulatory cattle at livestock auctions in April and May 2008 brings to mind similar alarming images of mistreated non-ambulatory cattle released in late January.

The treatment of animals in the April/May footage is intolerable. The presence of animals like these in the food supply chain presents a clear risk to consumers. Your May 7, 2008, statement that this situation “is not a food safety issue” is cause for concern. These animals are clearly at significantly higher risk of contracting a number of animal health diseases that can be transmitted to other animals at livestock auctions or to humans if slaughtered and entered into the food supply.

Apart from the food safety risks, documented handling violations have serious consequences for consumer confidence and our access to overseas markets. For consumers and trading partners to trust the quality and safety of U.S. beef, steps must be taken to provide assurances that non-ambulatory cattle are not entering the food supply.

There is a clear and simple path forward that would alleviate these concerns and enhance the health and safety of cattle entered into the food supply – close the loophole in the non-ambulatory cattle rule. In the January 12, 2004, “Disposition of Non-Ambulatory Disabled Cattle” Interim Final Rule, USDA required that all non-ambulatory cattle be condemned in a humane manner and be removed from the food supply. Unfortunately, in the July 12, 2007, Final Rule, USDA created an exception to this important standard by allowing suspect animals to be examined by veterinarians on a case by case basis to determine whether to enter these animals into the food supply. A simple amendment to the July Final Rule would set a clearer humane handling threshold for all of industry, enhance food safety, and provide assurances to our export markets.

The current regulatory environment has created conditions ripe for violations of non-ambulatory treatment standards. Clarified standards would reduce the incentive for producers to deliver at-risk animals and eliminate uncertainty for both suppliers and packers. Eliminating non-ambulatory cattle from the food supply would reduce risks in our food safety system. A clear standard would also ease the workload of USDA

veterinarians who are currently tasked with reviewing each suspect animal before allowing it to enter into the food supply. Lastly, closing this loophole will help avoid instances like those captured in the April/May 2008 footage that hurt consumer confidence and limit our access to overseas markets.

We believe that such an action would be supported by a broad coalition of consumer advocacy organizations, public health groups, and industry. On April 22, 2008, the American Meat Institute, National Meat Association, and National Milk Producer Federation submitted a Citizen Petition to USDA requesting action to close the loophole in the current non-ambulatory cattle rule (9 C.F.R. Part 309.3). Closing this loophole has long been a priority of a number of other organizations.

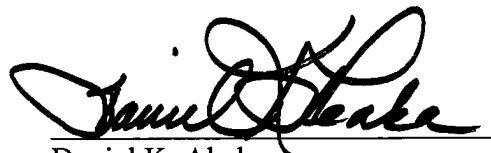
We urge you to act promptly on this Citizen Petition by amending the non-ambulatory cattle rule. Please provide us with a response as to how you plan to act on this request within 15 days. Please also provide us with a clarification as to your statement that the use of non-ambulatory cattle in our food supply is not a food safety issue. We would appreciate learning of the scientific basis for such a statement.

Thank you for your attention to this matter.

Sincerely,



Richard J. Durbin  
U.S. Senator



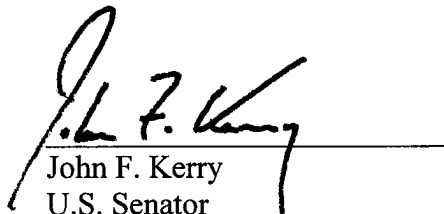
Daniel K. Akaka  
U.S. Senator



Patty Murray  
U.S. Senator



Maria Cantwell  
U.S. Senator



John F. Kerry  
U.S. Senator