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February 4, 2008

Chairman Tom Harkin
Committee on Agriculture, Nutrition and Forestry
U.S. Senate
Washington, DC 20510
Facsimile: (202) 224-1725

Chairman Collin Peterson
Committee on Agriculture
U.S. House of Representatives
Washington, DC 20515
Facsimile: (202) 225-8510

Re: Request for Hearing on Farm Animal Cruelty and USDA Policy on Downer Livestock

Dear Chairman Harkin and Chairman Peterson:

On behalf of The Humane Society of the United States (HSUS) and our more than 10 million members and supporters, I am writing to respectfully request that you hold a hearing on the systematic violations of USDA regulations prohibiting inhumane handling and slaughter of nonambulatory cattle recently revealed at Hallmark Meat Packing Company and the affiliated Westland Meat Company, Inc., and the USDA's broader policies and enforcement on the downer livestock issue.

An HSUS investigation at Hallmark/Westland in October and November 2007 revealed routine violations of USDA regulations concerning the humane handling of animals. As documented in the enclosed video, the facility unlawfully and inhumanely handled and slaughtered diseased and nonambulatory cattle for subsequent distribution to USDA through federal assistance programs administered by USDA's Food and Nutrition Service (FNS).

Specifically, our investigator witnessed and documented workers engaged in the following illegal conduct:

- dragging disabled cattle with heavy metal chains attached to a forklift;
- kicking animals in the face;
- beating disabled animals;
- ramming wooden paddles into animals' faces and eyes;
- standing on the backs of disabled animals;

Celebrating Animals, Confronting Cruelty

- shocking the faces, eyes, and bodies of sick, injured, or disabled cows who were unable to move, causing the animals to bellow out in pain;
- abandoning living animals on the “dead pile” and failing to provide timely euthanasia;
- repeatedly shocking a cow with an electric prod until the animal collapsed; animals remaining in the chute were driven over the downed cow, causing the cow to be trampled;
- forcing a nonambulatory cow to crawl into the kill chute on her knees because she could not walk;
- repeatedly slamming into disabled cows with a forklift while the cows flailed helplessly on the pavement, unable to right themselves;
- running over disabled cows with a forklift;
- hoisting disabled cows in the air with a forklift and dropping the animals onto the pavement;
- injuring and maiming animals with the tines of the forklift;
- slamming cattle against a railing and jamming the tines of the forklift into their sides ; and
- blasting disabled cows in the nostrils and mouth with a high pressure water hose for several consecutive minutes, simulating drowning, causing the cows to thrash and struggle for air.

The extreme cruelty documented at this facility is all the more disconcerting in light of the fact that meat from inhumanely handled and slaughtered nonambulatory animals was processed for human consumption and sold to the USDA for distribution through the National School Lunch Program. According to the USDA Agricultural Marketing Service web site, USDA had contracts with this facility that totaled \$39.39 million in fiscal year 2007.¹

As the USDA has indicated, “surveillance data from European countries in which BSE has been detected indicate that nonambulatory cattle are among the animals that have a greater incidence of BSE than other cattle.”² In its 2004 Interim Rule on the handling of non-ambulatory cattle, USDA cited Swiss data showing a 49 to 58 times higher chance of finding BSE in downed animals than in cattle reported to veterinary authorities as BSE-suspect under passive surveillance. According to USDA, “Surveillance for BSE in Europe has also shown that the typical clinical signs associated with BSE cannot always be observed in nonambulatory cattle infected with BSE because the signs of BSE often cannot

¹ USDA-AMS, Frozen Beef Purchased, Fiscal Year 2007, (*available at* http://www.ams.usda.gov/lscp/beef/BEEF_VT_FY_2007.pdf, accessed Jan. 29, 2008).

² Prohibition on the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Nonambulatory Disabled Cattle, 69 Fed. Reg. 1862, page 1870 (Jan. 12, 2004) (“Interim Rule”).

be differentiated from the typical clinical signs of the many other diseases and conditions affecting nonambulatory cattle.”³

Downed animals may also be at higher risk for other food borne transmissible pathogens, including *E. coli* and *Salmonella*,⁴ which kill hundreds of Americans every year,⁵ as these animals often lie in bacteria-laden waste⁶ and may have higher levels of intestinal pathogens due to stress.⁷ Infants, children, and the elderly are more likely to experience severe illness requiring treatment and hospitalization as a result of both of these pathogens.⁸

Although many of the incidents of inhumane treatment documented at the facility violate current USDA regulations, many do not. In fact, some of the most disturbing incidents appear to be motivated by the current USDA regulatory framework, which allows animals to be slaughtered for consumption even where they (1) are violently propped onto their feet for a few moments in order to pass inspection or (2) go down after being passed through antemortem inspection.

The USDA Office of Inspector General called attention to some of these problems in a January 2006 audit report, which found that 29 downer cows were slaughtered for human food at a sample of 12 slaughter plants checked during a nine-month period. That audit noted the lack of documentation on the animals’ fitness for consumption, observed that the animals had been transported by forklift, and criticized the agency’s inconsistent application of policies and regulations related to downed animals, problems that apparently have not been addressed. In short, what the HSUS investigation revealed was not an isolated circumstance, but was in fact documented a year earlier by USDA’s OIG.

Current USDA regulations and policies fail to adequately deter the type of inhumane handling the investigation at Hallmark/Westland revealed, and demonstrate in graphic and appalling detail why the entire regulatory framework for nonambulatory animals requires immediate review and revision. The unintended result of the current rules is that animal welfare is undermined and human health is jeopardized.

³ Interim Rule, 69 Fed. Reg. 1862, page 1870.

⁴ Edwards JF, et al. Bacteriologic culture and histologic examination of samples collected from recumbent cattle at slaughter. *Journal of the American Veterinary Medical Association* 207(1995):1174.

⁵ Mead PS, Slutsker L, Dietz V, McCaig LF, Bresee JS, Shapiro C, Griffin PM, Tauxe RV. Food-related illness and death in the United States. *Emerging Infectious Diseases* 1999 Sep-Oct;5(5):607-25.

⁶ Bauston G. FDA: prohibit the slaughter of downed animals. *Journal of Sustainable Agriculture* 18(2001):3-6.

⁷ Spika JS, Waterman SH, Hoo GW, St Louis ME, Pacer RE, James SM, Bissett ML, Mayer LW, Chiu JY, Hall B, et al. Chloramphenicol-resistant *Salmonella* Newport traced through hamburger to dairy farms—a major persisting source of human Salmonellosis in California. *New England Journal of Medicine* 316(1987):565-70; Armstrong GL, et al. Emerging foodborne pathogens: *Escherichia coli* O157:H7 as a model of entry of a new pathogen into the food supply of the developed world. *Epidemiologic Reviews*. 18(1996):29-51.

⁸ See, http://www.cdc.gov/ncidod/dbmd/diseaseinfo/salmonellosis_g.htm (last accessed Jan. 25, 2008); http://www.cdc.gov/ncidod/dbmd/diseaseinfo/escherichiacoli_g.htm (last accessed Jan. 25, 2008).

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HSUS urges you to hold a hearing on this issue, and ask USDA to take swift and decisive enforcement action against Hallmark/Westland and to undertake vigorous policy and regulatory reforms that will uphold and effectuate the spirit and the letter of the Humane Methods of Slaughter Act. We also urge you to push USDA to redirect agency resources to ensure that inspection personnel are observing animals and addressing any inhumane treatment on a continuous basis, including during offloading, holding, and driving animals in pens and chutes.

In addition, in 2002, Congress directed the Secretary to investigate and report on the scope and cause of the problem of nonambulatory animals. 7 U.S.C. § 1907(a)-(b). The HSUS is not aware that this report was ever completed. If it has been, we urge you to demand that USDA disclose the report as soon as possible. Please do not hesitate to contact me if HSUS can be of any assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Wayne Pacelle".

Wayne Pacelle
President and CEO