

United States Senate

WASHINGTON, DC 20510

May 12, 2014

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
Jamie Whitten Building
1400 Independence Ave, SW Room 220A
Washington, DC 20250

RE: Downer Calves

Dear Secretary Vilsack:

We write to share our concerns about the inhumane practice of slaughtering non-ambulatory disabled calves (known as “downers”). Downer calves are defined as those too sick, injured, weak, or tired to stand. The slaughter of these calves risks adding tainted meat to the nation’s food supply and subjects them to treatment that is clearly inconsistent with the *Humane Methods of Slaughter Act*.

In 2009, the Humane Society of the United States (HSUS) petitioned the United States Department of Agriculture (USDA) to improve calf-specific handling regulations after an undercover investigator documented employees at a slaughter facility in Vermont kicking and shocking non-ambulatory calves in their faces, necks, and torsos in an effort to force these infant animals to move off of trucks and into holding pens. This cruelty occurred in front of a Food Safety and Inspection Service (FSIS) inspector, who routinely failed to take any remedial action or halt the abuse despite the *Humane Methods of Slaughter Act* prohibition against inhumane handling of animals. The cruelty captured on this video was similar to abuses revealed in other undercover investigations involving adult downers, such as at the Hallmark/Westland slaughter facility in California that led to the largest beef recall in U.S. history. On January 27, 2014, yet another undercover investigation of a calf slaughter plant in New Jersey revealed that these egregious abuses persist.

The 2009 HSUS petition requested that FSIS amend its regulations to require that all non-ambulatory disabled calves be immediately and humanely euthanized, just as FSIS regulations currently require for adult non-ambulatory cattle, consistent with the *Humane Methods of Slaughter Act*. FSIS solicited public comments and received at least 50,000 comments in support of such regulations.

In March 2013, FSIS found that prohibiting the slaughter of non-ambulatory disabled calves will improve compliance with the *Humane Methods of Slaughter Act*. It has now been more than four years since HSUS requested this common-sense change, yet not even a proposed rule has been issued. Keeping disabled calves alive to suffer in pens is not only inhumane but also poses serious food safety threats. Non-ambulatory calves are often forced to lie in excrement, which can lead to contaminated meat. Calf fecal matter may contain a number of zoonotic pathogens including *Giardia*, *Salmonella*, and *E. coli* that can infect consumers, and calves actually pose a greater threat than adult cattle of transmitting such diseases.

We understand that some industry representatives have claimed that closing the downer calf loophole would be unduly burdensome, citing an estimated value loss of \$800 per non-ambulatory veal calf. As explained in the attachment prepared by the Humane Society of the United States, this figure seems greatly inflated. The industry's own statements contradict this estimate, implying a worth of only about \$50 per non-ambulatory veal calf, which is less than one tenth of the industry representatives' latest calculation.

As long as downed animals are allowed to be slaughtered for food, companies will have an incentive to pressure workers to engage in rough handling to try to get those animals up and walking so they can pass inspection. Conversely, once companies are no longer allowed to include downer calves in the food supply, they will have an incentive to treat these animals more humanely, which will also likely have a positive effect on the safety of the food supply.

Due to the serious animal welfare and food safety risks posed by USDA's current regulations, as well as the need for certainty for the industry, we encourage the agency to prioritize and expedite this rulemaking and request an update on the status of this rulemaking effort. We look forward to hearing from you soon.

Sincerely,



BRIAN SCHATZ
U.S. Senator



CORY A. BOOKER
U.S. Senator



DIANNE FEINSTEIN
U.S. Senator



CARL LEVIN
U.S. Senator



KIRSTEN E. GILLIBRAND
U.S. Senator



ROBERT MENENDEZ
U.S. Senator



BARBARA A. MIKULSKI
U.S. Senator



RICHARD BLUMENTHAL
U.S. Senator



JACK REED
U.S. Senator



DEBBIE STABENOW
U.S. Senator

Edward J. Markey

EDWARD J. MARKEY
U.S. Senator

Dick Durbin

RICHARD J. DURBIN
U.S. Senator

THE VALUE OF A NON-AMBULATORY VEAL CALF

Prepared by

The Humane Society of the United States

We wanted to pass along our assessment of the American Meat Institute's (AMI) estimate of the value of a non-ambulatory veal calf. The AMI's estimate is inconsistent with its own data and Agricultural Marketing Service (AMS) data.

The AMI estimate of \$800 per non-ambulatory veal calf is 15 times higher than its own data supports. In 2008, the AMI explained to FSIS in signed public comments that “[i]f these animals [non-ambulatory veal calves] are not allowed to be set-aside prior to ante-mortem inspection and given a chance to warm up, the annual cost to the veal industry would be approximately \$3.9 million annually.”¹ The AMI also stated that “[a]pproximately four [4] percent of special fed veal calves and twelve [12] percent of bob veal calves are likely to be non-ambulatory due to cold and stress during the months of December to March.”² AMS data shows that federally-inspected establishments slaughtered 508,897 bob veal calves, 386,444 special-fed calves, and 46,358 other calves in 2008.³ Thus, assuming that AMI's data is accurate,⁴ in 2008 approximately 61,068 bob veal calves became non-ambulatory and 17,312 special-fed and other veal calves became non-ambulatory.⁵ Dividing AMI's data on the annual cost of a ban (\$3.9 million) by the number of non-ambulatory veal calves in 2008 (78,380), AMI's data supports a value per non-ambulatory veal calf of \$49.76 (or \$53.98 in 2013 dollars).

The AMI's \$800 figure appears to simply be the value of a full-priced ambulatory special-fed veal calf at slaughter. But, as is outlined above, 78% of non-ambulatory veal calves are bob calves, worth far less than special-fed calves. And the AMI noted in 2011 that stress and aggressive handling (which cause veal calves to become non-ambulatory) “would lower the value of the resulting veal.”⁶ Thus economic losses associated with non-ambulatory calves are in part an injury industry self-inflicts by poorly handling veal calves. Moreover, the AMI noted that pork slaughter establishments no longer pay anything for non-ambulatory pigs, implying that they are worthless.⁷ It is plausible that some calf slaughter establishments similarly do not pay for non-ambulatory veal calves.

¹ American Meat Institute, “Comments on: Requirements for the Disposition of Cattle That Become Non-Ambulatory Disabled Following Ante-Mortem Inspection,” signed by Mark D. Dopp (Sept. 29, 2008), *available at* <http://www.meatami.com/ht/a/GetDocumentAction/i/42492>.

² *Id.*

³ Data compiled from monthly AMS Market News, “Estimated Calf Slaughter by Type under Federal Inspection,” (Jan.-Dec. 2008).

⁴ This calculation assumes that the AMI's non-ambulatory estimates were accurate for the full year (presumably AMI would have indicated if the data for December to March was atypical).

⁵ The calculation is 12% (the percent of bob veal calves that become non-ambulatory) of 508,897 (the number of bob veal calves slaughtered in 2008) and 4% (the percent of special-fed veal calves that become non-ambulatory) of 432,802 (the number of special fed and other veal calves slaughtered in 2008). This calculation assumes that other veal calves became non-ambulatory at the same lower rate as special-fed veal calves, since they are of similar weight and age.

⁶ American Meat Institute, “Docket Number FSIS–2010–0041; Non-Ambulatory Disabled Veal Calves and Other Non-Ambulatory Disabled Livestock at Slaughter; Petitions for Rulemaking,” signed by Mark D. Dopp and Janet Riley (Apr. 8, 2011), *available at* <http://www.meatami.com/ht/a/GetDocumentAction/i/68250>.

⁷ *Id.*