

Congress of the United States

Washington, DC 20515

July 29, 2005

The Honorable Michael Johanns
Secretary of Agriculture
United States Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Dear Secretary Johanns:

We are all proponents of a federal policy to ban the processing of downer (non-ambulatory) livestock for human consumption, and have backed legislation in Congress to achieve that end. We have supported free-standing no-downer legislation, and amendments to limit U.S. Department of Agriculture (USDA) funding for approving meats from downed animals for human consumption, and we intend to pursue these legislative remedies in the future.

The latest finding of a second animal testing positive for Bovine Spongiform Encephalopathy (BSE) in the United States, again a downed animal, further underscores the importance of making the current administrative ban on downers a final rule. In January 2004, we were all pleased when former Secretary of Agriculture Ann Veneman adopted an interim final rule to ban the use of downer cattle in the food supply, and we now believe this rule should be made permanent. There is sufficient, indeed, overwhelming evidence to justify this policy now, and there is no need to delay the decision any longer.

Data from Europe reveals that downers are 50 times more likely to have BSE than ambulatory livestock reported to veterinarians as BSE-suspect. Moreover, all six cases of BSE-positive animals in North America have involved downer livestock. Additionally, at least three of these six cases involved cows that were initially thought to be unable to walk due to injuries, rather than illnesses:

- 1993: A cow imported from Great Britain and detected with BSE in Canada was identified as downed due to a broken leg.
- May 2003: A Canadian cow that tested positive for BSE was identified as downed due to a respiratory illness.
- November 2003: A cow imported from Canada and detected with BSE in Washington State was identified by a USDA veterinarian as downed due to calving injuries.
- January 2, 2005: A Canadian cow that tested positive for BSE was identified as downed, apparently showing signs of an infection.
- January 11, 2005: A Canadian cow that was identified as downed, having slipped on ice and broken a leg, tested positive for BSE.
- June 10, 2005 (case announced from initial tests in November 2004): The first native U.S. cow to test positive for BSE was identified as downed. It is not yet clear what USDA inspectors believed to be the cause of the cow's non-ambulatory status in November 2004.

A ban on downers in the food supply makes sense for food safety reasons, for market protection purposes, and for humane reasons. After the interim final rule was published and a public comment period opened, more than 21,000 Americans submitted comments. Fully 99 percent of those comments favored the new downer policy, or even supported expanding it to include other livestock, a position we, too, support.

The American public should not have to worry about BSE-positive animals in the food system. A single infected animal processed for human food will do lasting damage to consumer confidence while also putting American consumers in grave danger. When humans consume BSE-positive meat, they risk contracting variant Creutzfeldt-Jakob disease, a fatal degenerative brain disease with no known cure.

From an industry health perspective, we have already seen how a single BSE-positive animal can devastate our exports. There is simply no need to jeopardize a multi-billion dollar industry by attempting to wring a few thousand dollars out of a relatively small number of at-risk animals.

And finally, downer livestock cannot be handled humanely, and they should be euthanized. The humane rationale alone justifies the policy. Taking into account the trade and public health implications, the case is overwhelming.

We have all been disturbed by reports that both officials at the USDA and some in the livestock industry have been discussing weakening the downer ban by allowing some downer animals with physical injuries to return to the food system. Given the strong relationship between BSE-positive animals and downers, we believe this would be a grave error that would put the lives of American consumers at risk. If the USDA policy were weakened in this manner, veterinarians at slaughterhouses would be faced with the impossible task of arbitrarily deciding which downers are safe to return to the food system.

Instead, we strongly urge you to use the existing authority you have as Secretary to make the interim final rule permanent. Again, we believe it is time to put an end to the debate about allowing downers into the American food supply. There is more than enough evidence, and the consequences are too dire to wait. We look forward to quick action by you and the Department.

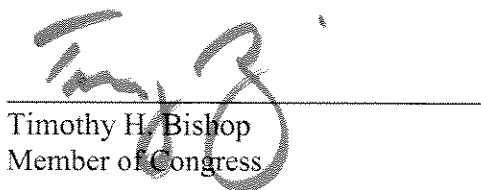
Sincerely,



Gary L. Ackerman
Member of Congress



Steven C. LaTourette
Member of Congress



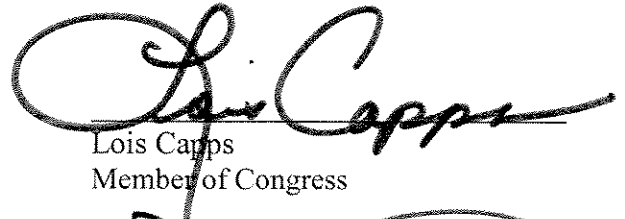
Timothy H. Bishop
Member of Congress



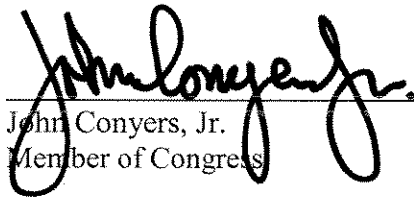
Earl Blumenauer
Member of Congress



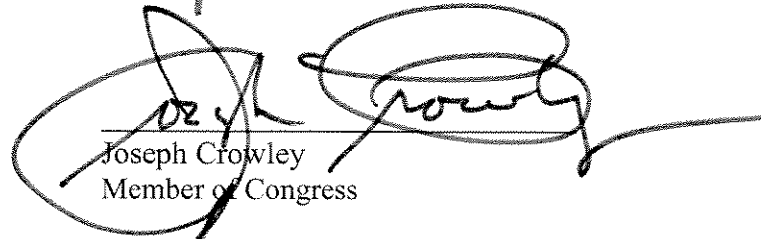
Sherrod Brown
Member of Congress



Lois Capps
Member of Congress



John Conyers, Jr.
Member of Congress



Joseph Crowley
Member of Congress



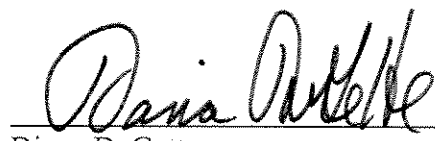
Elijah E. Cummings
Member of Congress



Susan A. Davis
Member of Congress



Peter A. DeFazio
Member of Congress



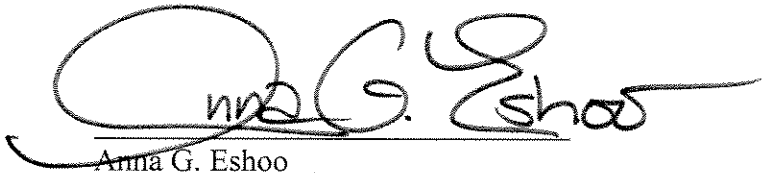
Diana DeGette
Member of Congress



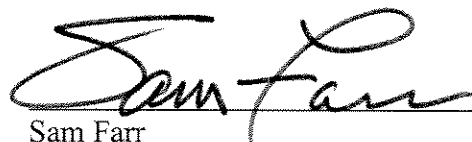
Norman D. Dicks
Member of Congress



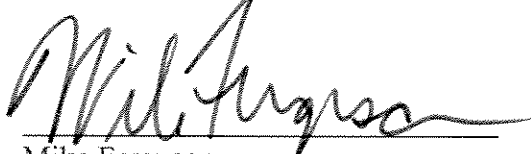
Michael F. Doyle
Member of Congress



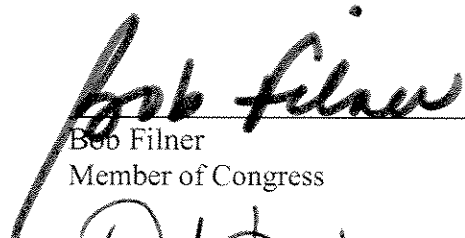
Anna G. Eshoo
Member of Congress



Sam Farr
Member of Congress



Mike Ferguson
Member of Congress



Bob Filner
Member of Congress



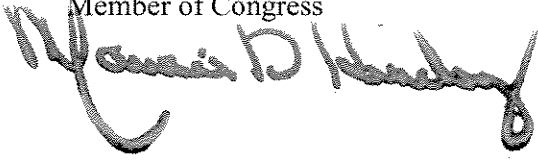
Barney Frank
Member of Congress



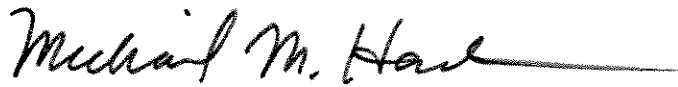
Rodney P. Frelinghuysen
Member of Congress



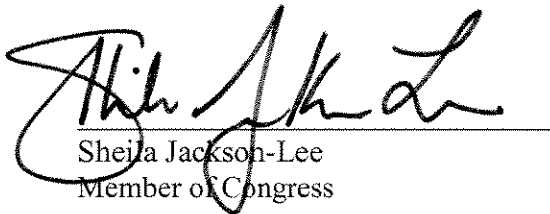
Jim Gerlach
Member of Congress



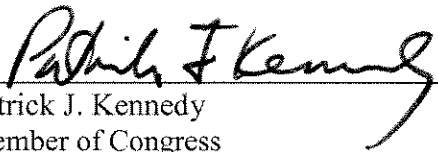
Maurice D. Hinchey
Member of Congress



Michael M. Honda
Member of Congress



Sheila Jackson-Lee
Member of Congress



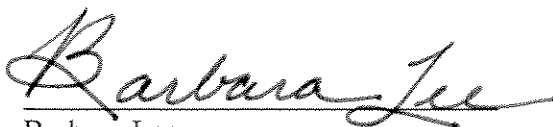
Patrick J. Kennedy
Member of Congress



Mark Steven Kirk
Member of Congress



Rick Larsen
Member of Congress



Barbara Lee
Member of Congress



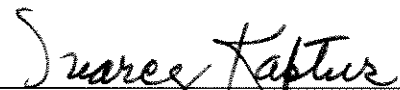
Raúl M. Grijalva
Member of Congress



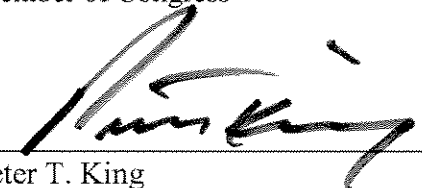
Rush D. Holt
Member of Congress



Steve Israel
Member of Congress



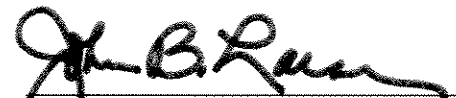
Marcy Kaptur
Member of Congress



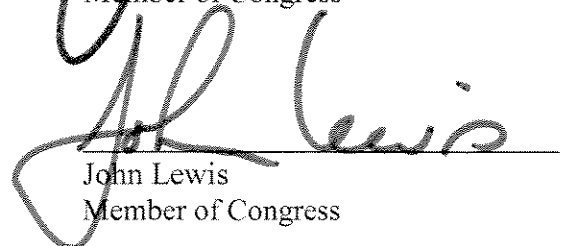
Peter T. King
Member of Congress



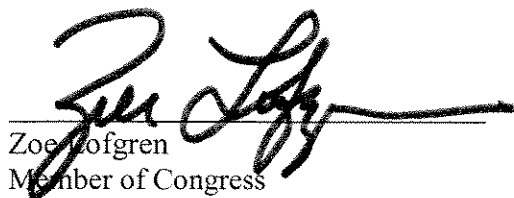
Dennis J. Kucinich
Member of Congress

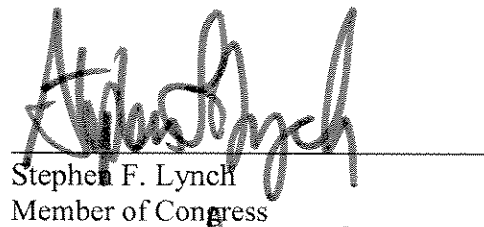


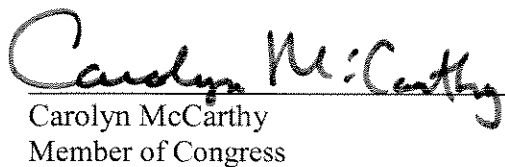
John B. Larson
Member of Congress

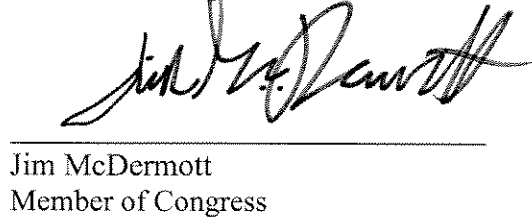


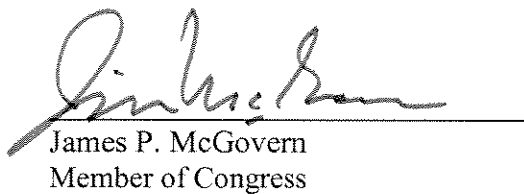
John Lewis
Member of Congress

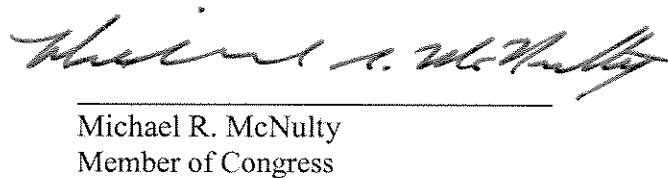

Zoe Lofgren
Member of Congress

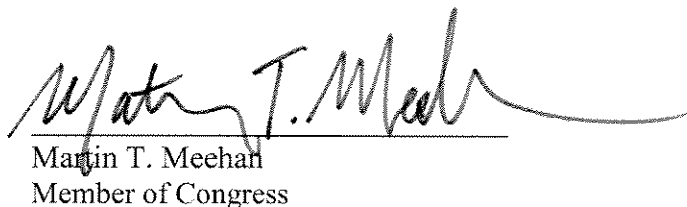

Stephen F. Lynch
Member of Congress

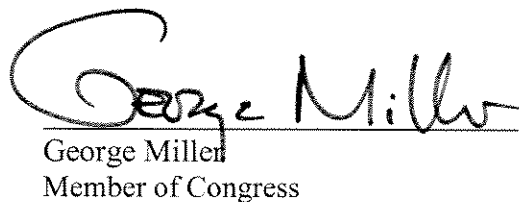

Carolyn McCarthy
Member of Congress

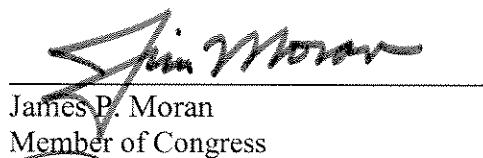

Jim McDermott
Member of Congress

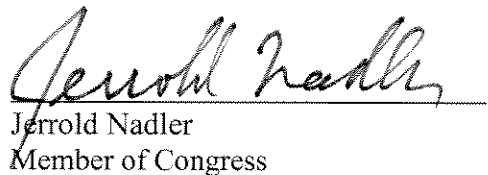

James P. McGovern
Member of Congress

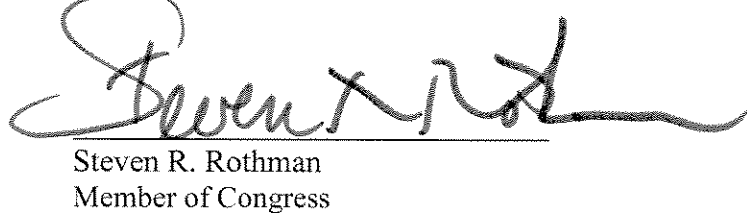

Michael R. McNulty
Member of Congress


Martin T. Meehan
Member of Congress


George Miller
Member of Congress

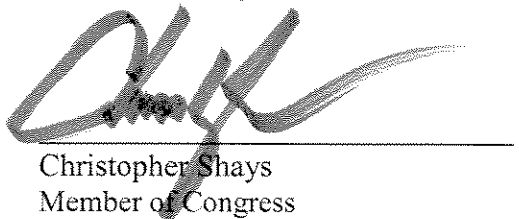

James P. Moran
Member of Congress

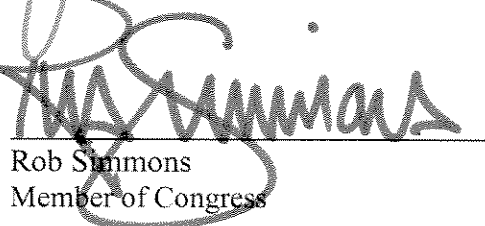

Jerrold Nadler
Member of Congress

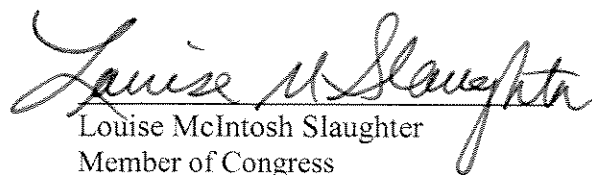

Steven R. Rothman
Member of Congress



Tim Ryan
Member of Congress


Janice D. Schakowsky
Member of Congress


Christopher Shays
Member of Congress


Rob Simmons
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Louise McIntosh Slaughter
Member of Congress



Christopher H. Smith
Member of Congress



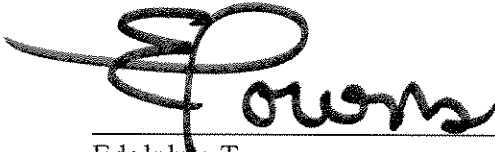
Hilda L. Solis
Member of Congress



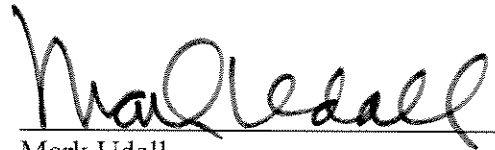
Fortney Pete Stark
Member of Congress



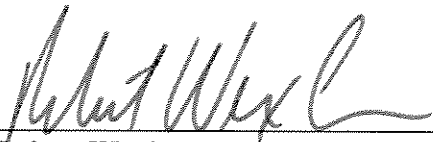
Mike Thompson
Member of Congress



Edolphus Towns
Member of Congress



Mark Udall
Member of Congress



Robert Wexler
Member of Congress