

**Congress of the United States**  
**Washington, DC 20515**

August 11, 2015

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** (Docket No: FSIS-2014-0020, [Requirements for the Disposition of Non-ambulatory Disabled Veal Calves](#))

Dear Secretary Vilsack:

We support the above-referenced [rule proposed on May 8, 2015](#), and urge the United States Department of Agriculture (USDA) to finalize it as soon as possible. This rule will effectively address a long-standing concern we have 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 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, which sparked a congressional oversight hearing in March 2010, 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, 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 more than 74,000 comments in support of such regulations. In March 2013, the agency announced it had found that prohibiting the slaughter of non-ambulatory disabled calves will improve compliance with the *Humane Methods of Slaughter Act* and it would be issuing a proposed rule to accomplish this.

Despite the long wait, we are pleased that USDA has now moved forward, and we hope this common-sense change will be adopted very soon. We note that the agency reviewed the anticipated economic impact on industry and concluded that the rule will not be particularly burdensome, with an insignificant cost per establishment compared to annual market value.

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.

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, we thank the agency for proposing this rule and urge you to prioritize and expedite making it final. We look forward to hearing from you soon.

Sincerely,



CHRISTOPHER H. SMITH  
Member of Congress



GRACE MENG  
Member of Congress



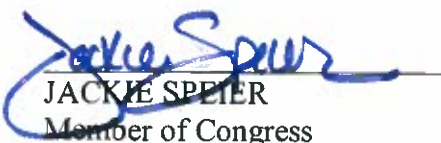
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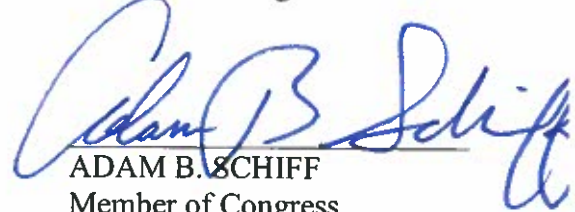
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Member of Congress



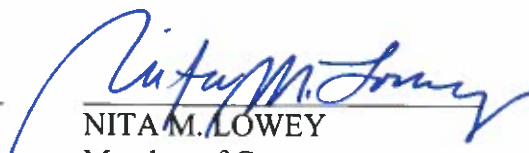
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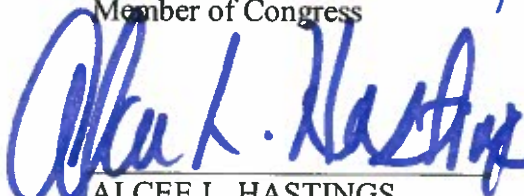
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Member of Congress



NITA M. LOWEY  
Member of Congress



CHARLES B. RANGEL  
Member of Congress



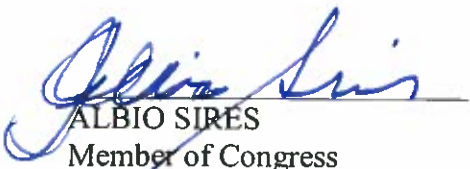
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Member of Congress



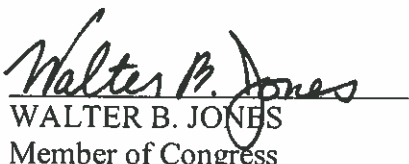
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Member of Congress



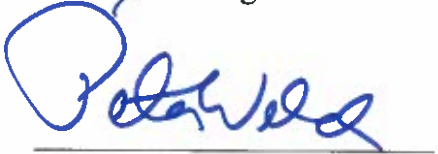
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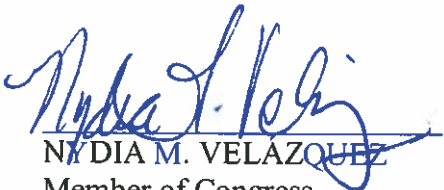
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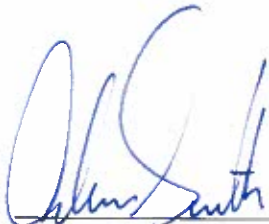


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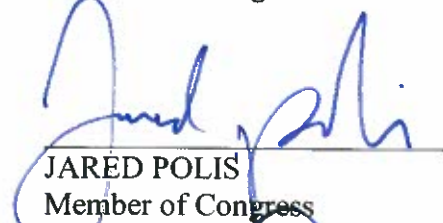
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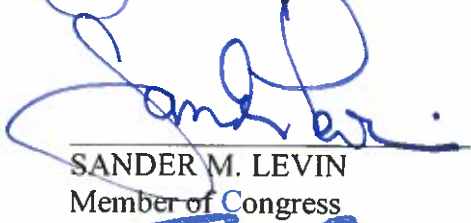
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Member of Congress



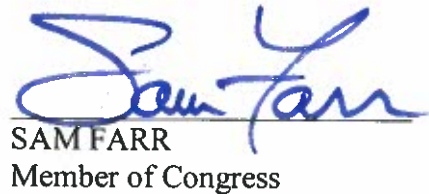
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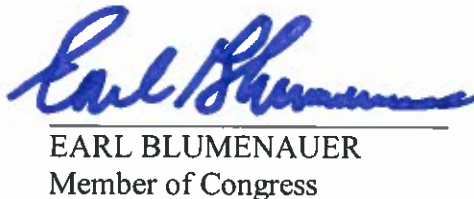
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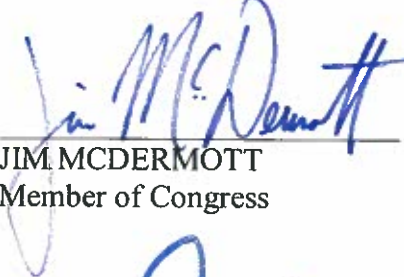
SCOTT PETERS  
Member of Congress



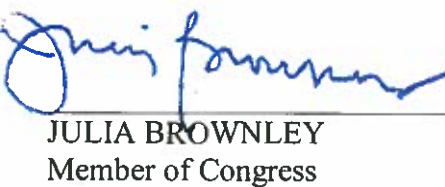
EARL BLUMENAUER  
Member of Congress



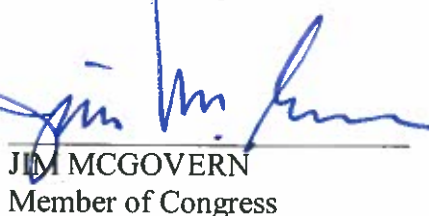
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Member of Congress



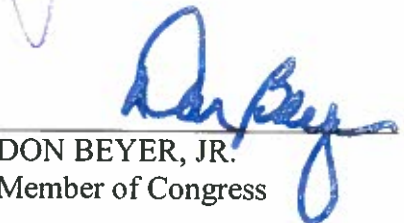
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Member of Congress



MARK TAKAI  
Member of Congress

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TED LIEU  
Member of Congress

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ELIZABETH ESTY  
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DINA TITUS  
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JOHN LEWIS  
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RICHARD E. NEAL  
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MARK DESAULNIER  
Member of Congress

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*Frank Pallone, Jr.*

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Member of Congress

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Member of Congress

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JOYCE BEATTY  
Member of Congress

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Member of Congress

*Jim Langevin*

JIM LANGEVIN  
Member of Congress

*Suzanne Bonamici*

SUZANNE BONAMICI  
Member of Congress

*Peter T. King*

PETER T. KING  
Member of Congress

*Michael G. Fitzpatrick*

MICHAEL G. FITZPATRICK  
Member of Congress