

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

February 11, 2014

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

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, 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. We were pleased to hear that in March of 2013, FSIS found that prohibiting the slaughter of non-ambulatory disabled calves will improve compliance with the *Humane Methods of Slaughter Act* and is working on developing new regulations.

Despite this good news, more than four years have passed since HSUS requested this common-sense change, yet not even a proposed rule has been issued. 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

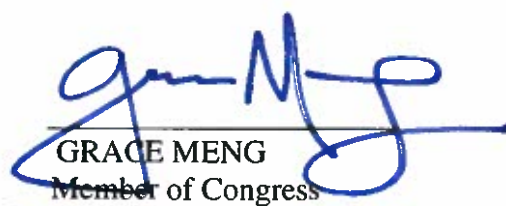
\$50 per non-ambulatory veal calf, which is less than one tenth of the industry representatives' latest calculation.

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 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,



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Member of Congress




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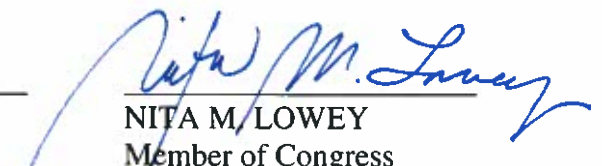
  
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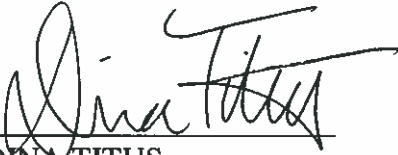
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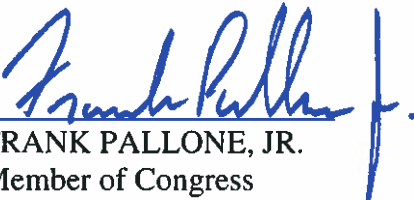
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