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May 8, 2008

Honorable Ed Schafer
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., SW.
Washington, DC 20250

Dear Mr. Secretary:

The American Association of Meat Processors (AAMP) is concerned about the recent submission of a Citizen's Petition from the American Meat Institute (AMI), the National Meat Association (NMA), and the National Milk Producers Federation (NMPF) regarding the disposition of non-ambulatory disabled cattle offered for slaughter. Specifically, the petition requests that 9 CFR 309.3 be amended to eliminate the provision that allows a public health veterinarian (PHV) to let, in limited circumstances, cattle that become non-ambulatory after passing ante-mortem inspection to enter the food supply. AAMP opposes the petition and believes that the current regulation (9 CFR 309.3) should remain unchanged.

AAMP is an international organization whose members include meat and poultry processors, slaughterers, caterers, food service companies, wholesalers, retailers, suppliers, and consultants to the meat and poultry industry. There are 32 state, regional, and provincial associations of meat processors that are also affiliated with AAMP. Majority of our members are small and very small businesses, with most of them being them family-owned and operated. While small and very small meat processors represent about 5% of the meat production volume in the U.S., our members represent about 95% of the total number of meat processing businesses.

We believe that changing the regulation to disallow cattle that become non-ambulatory after passing ante-mortem inspection to be reevaluated by the public health veterinarian would have significant negative impacts on small and very small meat processors across the United States. Accepting the financial responsibility for an animal that may become non-ambulatory prior to slaughter is a heavy burden for small and very establishments when compared to large establishments. Having a means to re-evaluate the animal again after ante-mortem inspection but prior to slaughter provides establishments with the ability to salvage that animal in circumstances where there was a slip, a leg was broken somehow, or an animal temporarily became too exhausted. Veterinarians employed by the Food Safety and Inspection Service (FSIS) are certainly capable of distinguishing between situations on a case-by-case where an animal may have injured itself after ante-mortem inspection versus exhibiting signs of disease like Bovine Spongiform Encephalopathy (BSE). The petition seems to question the PHVs ability to make such an educated, science-based determination. In questionable situations where that determination is not as clear, PHVs can condemn the animal, preventing it from going into the food chain.

With the risk of BSE so low due to interlocking safeguards that the U.S. has implemented, AAMP believes that it is unnecessary to change the current policies, as there is no science behind this change. It would simply be a change to influence consumer perception due to the negative press the industry took in the wake of the Hallmark/Westland

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Meat Co. recall. If FSIS is attempting to portray itself as using a science-based inspection system then science must be used when evaluating any potential change in policy, not political pressure or greed for financial trade incentives. Unfortunately, this regulation was not being implemented correctly at that facility, and now small and very small meat processors may suffer the consequences of one other establishment's negligence. Changing the regulation is unlikely to improve food safety, and instead, more emphasis needs to be placed on proper implementation of the current regulation that allows for re-inspection of animals that become non-ambulatory after ante-mortem inspection occurs.

When the non-ambulatory (downer) rule was initially discussed by USDA, we received a lot of angry calls from members and cattle producers when they had to euthanize cattle because of injury such as a broken leg or pelvis since those animals could not go to slaughter at federally-inspected, state-inspected, or custom-exempt establishments. They were concerned that the regulation did not allow for animals in situations like these to be processed when it was obvious that they were not at risk of disease. We certainly do not condone what was occurring at Hallmark/Westland Meat Co., and agree that the treatment of the livestock in the Hallmark video was not acceptable. Those animals should not have been allowed in the food chain, especially without proper re-inspection by educated and trained PHVs. On the other hand, there is a night and day difference between the Hallmark incident and an animal that slips and injures itself at a small meat processing establishment. AAMP has continually supported the re-inspection of non-ambulatory animals basically because of the freak occurrences that could occur in which an animal passes ante-mortem inspection and then gets injured in such a way that it becomes non-ambulatory.

Let us be clear, we do not support non-ambulatory animals being included in the food supply without some type of oversight, but believe that it is important to have the option for re-inspection for situations where accidents may occur or animals become exhausted during the stress of travel. We hope that USDA will not amend 9 CFR 309.3 and continue to permit public health veterinarians to, in limited circumstances, allow cattle that become non-ambulatory after passing ante-mortem inspection to enter the food supply.

Thank you for your time and consideration.

Sincerely,



Jay B. Wenther, Ph.D.
Executive Director, American Association of Meat Processors

cc: Andrea Brown, AAMP Director of Legislative and Regulatory Affairs
Dave Sutton, AAMP President