

June 29, 2023

The Honorable Joseph R. Biden
President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Biden:

We, the undersigned stakeholders, respectfully request that you require regulatory protections to be implemented for nonambulatory, or “downed,” pigs. As you know, the Food Safety and Inspection Service (FSIS) of the U.S. Department of Agriculture (USDA) implemented regulations protecting nonambulatory adult cattle in 2007 and then calves in 2016.¹ In 2014, seven organizations petitioned the USDA to make a similar rule for downed pigs.² In 2019, the USDA denied this petition, claiming that downed pigs passing inspection pose no greater public health risk than ambulatory pigs.³

Pigs represent 75 percent of all livestock slaughtered in the United States, and an estimated 500,000 downed pigs arrive at meat processing plants annually.⁴ The Centers for Disease Control and Prevention estimates that each year pork containing pathogens leads to about 525,000 infections, 2,900 hospitalizations, and 82 deaths in humans.⁵ Currently, consumers have no way to determine whether the pork products they consume originate from downed pigs.⁶ The slaughter of downed pigs for human consumption constitutes a significant food safety risk.

The spread of pathogens such as *Salmonella* and *Yersinia enterocolitica* often occurs when pigs are held in waste-filled pens awaiting slaughter.⁷ Because downed pigs are unable to rise, they are held for long periods in these filthy pens, often lying in fecal matter, making exposure to *Salmonella* and other harmful pathogens more likely. Studies show that many downed pigs are infected with H1N1 swine flu⁸ and commonly harbor antibiotic-resistant *Campylobacter*.⁹

Removing downed pigs from the food supply could also promote safety for slaughterhouse workers by lessening their risks of contracting zoonotic diseases and injury from handling immobilized, stressed

¹ 9 C.F.R. 309, 310, 318 (2007); 9 C.F.R. 309 (2016).

² *Petition for Rulemaking on Downed Pigs* (June 2014), <https://awionline.org/sites/default/files/uploads/documents/fa-nadpignpetition-062014.pdf> (last visited Jan. 5, 2023) (Farm Sanctuary, American Society for the Prevention of Cruelty to Animals, Animal Legal Defense Fund, Animal Welfare Institute, Compassion in World Farming, Animal Outlook (formerly Compassion Over Killing), Farm Forward, and Mercy For Animals submitted the petition).

³ *USDA Denies Petition for Euthanasia of Downer Pigs*, The Pig Site (Sept. 20, 2019), <https://www.thepigsite.com/news/2019/09/usda-denies-petition-for-euthanasia-of-downer-pigs>.

⁴ Kimberly A. Kindy, *Downed Pigs Are Turned into Pork Products. A New Lawsuit Seeks to Stop That*, Wash. Post (Feb. 6, 2020), https://www.washingtonpost.com/national/downed-pigs-are-turned-into-porkproducts-a-new-lawsuit-seeks-to-stop-that/2020/02/06/3f8302ea-46c8-11ea-bc78-8a18f7afcee7_story.html.

⁵ *Id.*

⁶ *Id.*

⁷ *Scientific Opinion on the Public Health Hazards to be Covered by Inspection of Meat (Swine)*, 9(10) EFSA JOURNAL 2351 (2011), <https://www.efsa.europa.eu/en/efsajournal/pub/2351>.

⁸ Mhairi A. Sutherland, et al., *Health of Non-ambulatory, Non-injured Pigs at Processing*, 116 LIVESTOCK SCI. 237–45 (2008).

⁹ M.E. Schuppers, *Clinical Herd Health, Farm Management & Antimicrobial Resistance in Campylobacter coli on Finishing Pig Farms in Switzerland*, 69 PREV. VET. MED. 189–202 (2005).

animals. Slaughterhouse workers face serious workplace hazards, with reported rates of illness and injury higher than manufacturing overall.¹⁰ And studies show that pig slaughter plant workers have higher risk of infection with zoonotic pathogens, such as H1N1¹¹ and MRSA,¹² particularly workers in contact with live animals. Given the lack of regulations, reporting, and monitoring of nonambulatory pigs, we encourage the administration to look further into the impact nonambulatory pigs have on the safety of slaughterhouse workers.

Members of Congress have noted the urgent need to address this issue. After a September 22, 2022, hearing in the Senate Committee on Agriculture, Nutrition, and Forestry, Sen. Cory Booker (D-NJ) submitted for the record a series of questions for Dr. José Emilio Esteban, the candidate for FSIS under secretary, regarding downed pigs.¹³ Despite lingering threats of COVID-19 and an outbreak of African swine fever, when asked whether FSIS would prioritize removing downed pigs from our nation’s food supply, Dr. Esteban responded that FSIS would not take any action on this issue until there was a threat equivalent to bovine spongiform encephalopathy, or “mad cow disease.”¹⁴

Downed pigs can carry pathogens that pose a significant threat to public health, and your administration should act swiftly to save taxpayer dollars and human lives. Recently, Senator Booker and Representative McGovern introduced the Industrial Agriculture Accountability Act (S. 272, H.R. 805), which calls for new mechanisms to remove downed pigs from the food supply and further highlights the need for meaningful federal action in this situation.

Given the serious consumer and food safety concerns outlined above, it is long past time for downed-pig regulations that mirror those for downed cattle and calves. Accordingly, we respectfully request that your administration make our food system safer for everyone and ensure that such regulations are implemented.

Sincerely,

Nonprofit and Labor Organizations

Acterra: Action for a Healthy Planet

American Society for the Prevention of Cruelty to Animals (ASPCA)

Animal Equality

Animal Legal Defense Fund

Animal Partisan

Animal Welfare Institute

Animals Are Sentient Beings, Inc.

Center for Biological Diversity

¹⁰ U.S. Gov’t Accountability Office, GAO-16-337, *Workplace Safety and Health: Additional Data Needed to Address Continued Hazards in the Meat and Poultry Industry* (2016).

¹¹ Kendall P. Myers et al., *Are Swine Workers in the United States at Increased Risk of Infection with Zoonotic Influenza Virus?*, 42 Clin. Infect. Dis. 14–20 (2006).

¹² B.A.G.L. Van Cleef, *High Prevalence of Nasal MRSA Carriage in Slaughterhouse Workers in Contact with Live Pigs in The Netherlands*, 138 Epidemiol. Infect. 756–63 (2010).

¹³ *Senate Committee on Agriculture, Nutrition, and Forestry Nomination Hearing: Dr. Jose Emilio Esteban, of California, to Be Under Secretary of Agriculture for Food Safety, U.S. Dep’t of Ag.* (Sept. 22, 2022),

https://file-cdn.mercyforanimals.org/mercy4animals.wpengine.com/sites/450/2023/05/Responses_Esteban_09.22.2022.pdf.

¹⁴ *Id.*

Church Women United in New York State
Climate Systems Solutions
CWA Local 1081
Dharma Voices for Animals
Farm Forward
Farm Sanctuary
FOUR PAWS USA
Fresh Approach
GMO/Toxin Free USA
Government Accountability Project Food Integrity Campaign
Greenbaum Foundation
Harvard Animal Law & Policy Clinic
HEAL Food Alliance
Health Care Without Harm
Humane Action Pennsylvania
Humane Action Pittsburgh
Humane America Animal Foundation
La Semilla Food Center
Latino Farmers & Ranchers International, Inc.
Mercy For Animals
New Yorkers for Clean, Livable, and Safe Streets (NYCLASS)
NY4Whales
NYCLASS
Pasado's Safe Haven
Plataforma ALTO
Slow Food Sonoma County North
Social Compassion in Legislation
The Humane League
Voters For Animal Rights
Wisconsin House Rabbit Society

Farms and Businesses

American Indian Mothers Inc
Climate Refarm
Green State Solutions
Nature Fresh Farms
Root Cellar

Veterinarians and other Health Professionals

Andrea Cermele, VMD
Camille DeClementi, VMD