

Congress of the United States
Washington, DC 20515

December 6, 2023

Thomas J. Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave. SW
Washington, DC 20250

Dr. José Emilio Esteban
Under Secretary for Food Safety
U.S. Food Safety and Inspection Service
1400 Independence Ave. SW
Washington, DC 20250

Dear Secretary Vilsack and Under Secretary Esteban,

We want to thank you for your leadership and commitment to the United States Department of Agriculture (USDA). Your dedication to upholding the highest standards of food safety, animal welfare, and environmental sustainability remains vital to the future of American agriculture. That is why we write with profound and growing concerns on the need for regulatory protections for nonambulatory or “downed,” pigs and urge you to implement regulatory protections for these vulnerable animals.

As you are aware, the Food Safety and Inspection Service (FSIS) of the U.S. Department of Agriculture implemented regulations protecting nonambulatory adult cattle and banning them from slaughter in 2004, followed by calves in 2016.¹ It cited food safety concerns as the primary reason, because downed animals are “more likely to harbor and transmit food-borne diseases.”² In 2014, seven organizations petitioned USDA to make a similar rule for nonambulatory pigs, which number between half a million to one million annually in the U.S.³ In 2019, the USDA denied this petition, claiming that nonambulatory pigs passing inspection pose no greater public health risk than ambulatory pigs.⁴

¹ 9 C.F.R. 309, 310, 311, 318 (2004); 9 C.F.R. 309 (2016).

² Kindy, K. (2020). *Downed Pigs Are Turned into Pork Products. A New Lawsuit Seeks to Stop That*. The Washington Post. 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

³ Animal Welfare Institute. (2014, June). *Petition for Rulemaking on Downed Pigs*. <https://awionline.org/sites/default/files/uploads/documents/fa-nadpigpetition-062014.pdf>

⁴ The Pig Site. (2019, September 20). *USDA Denies Petition for Euthanasia of Downer Pigs*. <https://www.thepigsite.com/news/2019/09/usda-denies-petition-for-euthanasia-of-downer-pigs>;

Kindy, K. (2020). *Downed Pigs Are Turned into Pork Products. A New Lawsuit Seeks to Stop That*. The Washington Post. 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

On the contrary, the slaughter of downed pigs for human consumption constitutes a significant food safety hazard. A study of data from the Centers for Disease Control and Prevention (CDC) found that each year, pork containing pathogens leads to about 525,000 infections, 2,900 hospitalizations, and 82 deaths in humans.⁵ Downed pigs are more likely to be infected than ambulatory ones; for example, in a 2008 study, significantly more nonambulatory pigs than control pigs tested positive for swine influenza viruses H1N1 and H3N2.⁶ Another study showed that downed pigs often present symptoms of *Listeria monocytogenes* and other infections, and that they are 16 times more likely than ambulatory pigs to harbor antibiotic-resistant *Campylobacter*.⁷ The spread of pathogens known to be prevalent in pigs, such as *Salmonella* and *Yersinia enterocolitica*, often occurs when pigs are held in waste-filled pens awaiting slaughter.⁸ Because downed pigs are unable to rise, they are held for long periods in these filthy pens, making exposure to harmful pathogens more likely. Currently, consumers have no way to determine whether the pork products they consume originated from downed pigs.⁹

In addition to protecting the public from contaminated pork products, removing downed pigs from the food system will also reduce farm, slaughterhouse, and meatpacking workers' risk of contact with zoonotic diseases. These workers already face serious workplace hazards,¹⁰ with reported rates of illness and injury higher than those in manufacturing overall.¹¹ But to make matters worse, studies show that pig slaughter plant workers have a higher risk of infection from zoonotic pathogens, such as H1N1¹² and MRSA.¹³ Humans have little to no immunity against the common flu viruses that spread among pigs, as exemplified by the 2009 H1N1 swine flu pandemic, which is thought to have originated in pigs raised for food and killed between 151,700 and 575,400 people in its first year.¹⁴

5 Self, J.L., Luna-Gierke, R.E., Fothergill, A., Holt, K.G., & Vieira, A.R. (2017). Outbreaks attributed to pork in the United States, 1998-2015. *Epidemiol Infect.*, 145(14), 2980-2990. <https://www.doi.org/10.1017/S0950268817002114>

6 Sutherland, M.A., Erlandson, K., Connor, J.F., & Salak-Johnson, J.L. (2008). Health of Non-ambulatory, Non-injured Pigs at Processing. *Livestock Science*, 116(1), 237-45.

7 Schuppers, M.E., Stephan, R., Ledergerber, U., Danuser, J., Bissig-Choisat, B., Stärk, K.D., & Regula, G. (2008). Clinical herd health, farm management and antimicrobial resistance in *Campylobacter coli* on finishing pig farms in Switzerland. *Prev Vet Med*, 69(3-4), 189-202. <https://www.doi.org/10.1016/j.prevetmed.2005.02.00469>

8 EFSA Panels on Biological Hazards (BIOHAZ), on Contaminants in the Food Chain (CONTAM), and on Animal Health and Welfare (AHAW). (2011). Scientific Opinion on the public health hazards to be covered by inspection of meat (swine). *EFSA Journal*, 9(10), 2351. <https://www.doi.org/10.2903/j.efsa.2011.2351>

9 Kindy, K. (2020). *Downed Pigs Are Turned into Pork Products. A New Lawsuit Seeks to Stop That*. The Washington Post. 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

10 Winders, D.J., & Abrell, E. (2021). Slaughterhouse Workers, Animals, and the Environment: The Need for a Rights-Centered Regulatory Framework in the United States That Recognizes Interconnected Interests. *Health Hum Rights*, 23(2), 21-33.

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

12 Myers, K. P., Olsen, C. W., Setterquist, S. F., Capuano, A. W., Donham, K. J., Thacker, E. L., Merchant, J. A., & Gray, G. C. (2006). Are swine workers in the United States at increased risk of infection with zoonotic influenza virus? *Clinical infectious diseases*, 42(1), 14-20. <https://doi.org/10.1086/498977>

13 Van Cleef, B. A., Broens, E. M., Voss, A., Huijsdens, X. W., Züchner, L., Van Benthem, B. H., Kluytmans, J. A., Mulders, M. N., & Van De Giessen, A. W. (2010). High prevalence of nasal MRSA carriage in slaughterhouse workers in contact with live pigs in The Netherlands. *Epidemiology and Infection*, 138(5), 756-763. <https://doi.org/10.1017/S0950268810000245>

USDA has also committed to enforcing “methods to handle and slaughter animals in a more compassionate manner” to “ensure that establishments minimize the possibility of needless injuries and suffering of livestock.”¹⁵ However, undercover footage has revealed widespread and entirely unnecessary abuse and neglect of pigs—particularly nonambulatory pigs—at certain facilities.¹⁶ In slaughterhouses, workers have been known to “try to force them [downed pigs] to move by kicking, dragging, shoving, or even electroshocking them.”¹⁷ This echoes a statement made by USDA officials when it banned downed cattle that allowing their slaughter “may have created an incentive for establishments to inhumanely attempt to force these animals to rise.”¹⁸ If USDA is indeed committed to improving the safe and humane handling of animals raised for food, it must do better to protect downed pigs by requiring their immediate humane removal from the food system.

It is important to note that the primary objective of FSIS’s 2023-2026 Strategic Plan is to improve public health by preventing foodborne illnesses and transforming meat facility inspections.¹⁹ To quote FSIS Administrator Paul Kiecker, “[FSIS’s] strategic goals will continue to focus on reducing illness from meat, poultry, and egg products, further enhancing our inspection systems and ensuring compliance with food safety regulation.”²⁰ It thus appears that while USDA has shown it is fully aware of the public health risks,²¹ nothing has been done to address downed pigs in the food system.

Additionally, both FSIS and USDA as a whole have pledged to adhere to the One Health approach, which acknowledges that “the health of animals, people and the environment are inextricably linked” and hence aims to “attain optimal health for people, domestic farm and food animals, wildlife, plants and our environment.”²² This cannot be achieved without a concerted

¹⁴ Centers for Disease Control and Prevention. (n.d.). *What People Who Raise Pigs Need To Know About Influenza (Flu)*. <https://www.cdc.gov/flu/swineflu/people-raise-pigs-flu.html>;
Centers for Disease Control and Prevention. (2012, June 25). *First Global Estimates of 2009 H1N1 Pandemic Mortality Released by CDC-Led Collaboration*. <https://www.cdc.gov/flu/spotlights/pandemic-global-estimates.html>;

¹⁵ Food Safety and Inspection Service. (n.d.) *Humane handling*.
<https://www.fsis.usda.gov/inspection/compliance-guidance/humane-handling>

¹⁶ Durkin, M. (2015, Aug. 11). *Undercover video, abuse allegations at Minnesota pig farm*. Fox 9.
<https://www.fox9.com/news/undercover-video-abuse-allegations-at-minnesota-pig-farm>

Bugga, Hannah. (2023, August 5). *New Undercover Footage: Pigs Driven Mad by Extreme Confinement*.
<https://mercyforanimals.org/blog/new-footage-pigs-driven-mad/>;

Animal Outlook. (n.d.). *Hormel: USDA-Approved High Speed Slaughter Hell*. <https://animaloutlook.org/investigations/hormel/>

¹⁷ Animal Welfare Institute. (2020, Spring). *AWI sues over slaughter of downed pigs*. AWI Quarterly. <https://awionline.org/awi-quarterly/spring-2020/awi-sues-over-slaughter-downed-pigs>

¹⁸ Kimberly 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.

¹⁹ Food Safety and Inspection Service. (2023, January). *Strategic plan 2023-2026*.
https://www.fsis.usda.gov/sites/default/files/media_file/documents/Strategic%20Plan%20FY2023-2026-01172023.pdf

²⁰ Food Safety and Inspection Service. (2023, January). *Strategic plan 2023-2026*.
https://www.fsis.usda.gov/sites/default/files/media_file/documents/Strategic%20Plan%20FY2023-2026-01172023.pdf

²¹ U.S. Department of Agriculture. (2020, June 2). *Swine disease information*.
<https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-disease-information/swine-disease-information>

effort to prevent the interspecies spread of disease by swiftly condemning and euthanizing downed pigs.

Given the serious public health threats discussed above, it is prudent to take action now to address the problem of nonambulatory pigs. If we wait, this country could soon face another crisis like the one that occurred in 2003 with the first detection of bovine spongiform encephalopathy (BSE) in North America, which caused mass panic and cost the cattle industry an estimated \$6 billion.²³ Or the crisis in 2008, when footage of downed cow abuse at Westland/Hallmark Meat Company, due to inadequate food safety inspection, resulted in the nation's largest beef recall ever.²⁴ USDA must get ahead of the problem and prevent future pandemics by applying the same rules to downed pigs as it has done to downed cows.

Congress has repeatedly stressed the need to better regulate the treatment of nonambulatory pigs over the past several decades. By implementing regulatory protections, we are ensuring the humane treatment of these animals and protecting public health. That is why we urge you to conduct a thorough and comprehensive review of this issue concerning downed pigs in order to guarantee our food system is safe for everyone.

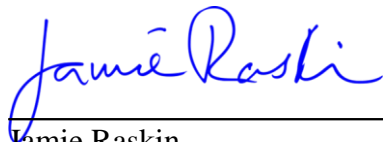
Sincerely,



Veronica Escobar
Member of Congress



James P. McGovern
Member of Congress



Jamie Raskin
Member of Congress

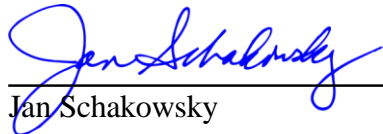


Earl Blumenauer
Member of Congress

²² USDA Office of Communications. (2016, June). *USDA "one health" approach - factsheet*. <https://www.usda.gov/sites/default/files/documents/fact-sheet-one-health-06-16-2016.pdf>

²³ Mitra, D., Amaratunga, C., Sutherns, R., Pletsch, V., Corneil, W., Crowe, S., & Krewski, D. (2009). The psychosocial and socioeconomic consequences of bovine spongiform encephalopathy (BSE): a community impact study. *J Toxicol Environ Health A*, 72(17-18), 1106-12. <https://www.doi.org/10.1080/15287390903084637>

²⁴ Martin, A. (2008, Feb. 18). *Largest recall of ground beef is ordered*. The New York Times. <https://www.nytimes.com/2008/02/18/business/18recall.html>



Jan Schakowsky
Member of Congress



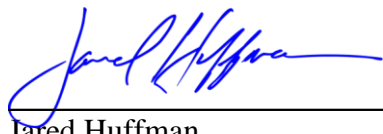
Ro Khanna
Member of Congress



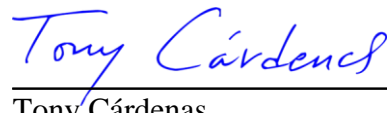
Lloyd Doggett
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Christopher H. Smith
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Jared Huffman
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Tony Cárdenas
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