



Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003
awionline.org phone: (202) 337-2332 fax: (202) 446-2131

April 15, 2015

Docket No. APHIS-2014-0018
Regulatory Analysis and Development, PPD
APHIS
Station 3A-03.8
4700 River Road, Unit 118
Riverdale, Maryland 20737-1238

Re: Docket No. APHIS-2014-0018, Proposed Rule on Livestock Marketing Facilities

Dear Administrator Shea:

The Animal Welfare Institute would like to thank the Animal and Plant Health Inspection Service (APHIS) for providing the opportunity to comment on APHIS-2014-0018. AWI is a non-profit organization dedicated to alleviating the suffering inflicted on animals by humans. As part of that mission AWI works to enhance farm animal welfare and educate the public on animal agriculture issues. It is critical for APHIS to require that there are veterinarians present at livestock markets and that these veterinarians humanely euthanize non-ambulatory animals. Requiring these fundamental protections will provide safeguards against disease and animal mistreatment.

In part, APHIS' goal is to "protect and improve the health, quality, and marketability of our nation's animals [and] animal products...by preventing, controlling and/or eliminating animal diseases, and monitoring and promoting animal health and productivity." Implementing the following recommendations will help APHIS meet this goal:

- I. Under §71.20 APHIS should require an accredited veterinarian, State representative or APHIS representative at livestock markets on all sale days to perform duties in accordance with State and Federal regulations, as is currently stated in the regulations.
- II. In compliance with the Animal Health Protection Act, APHIS should require immediate treatment or euthanasia of non-ambulatory animals.

APHIS must preserve the requirement for an on-site veterinarian in order to properly trace and prevent diseases from entering our food system.

Veterinarians are experts in disease detection and prevention. In fact, APHIS "strongly encourage[s]" facilities to have a veterinarian on-site at all times, as they can properly inspect livestock for "contagious, infectious, communicable, or parasitic diseases." Without on-site veterinarians, disease reporting, monitoring, and treatment would be left up to livestock market employees and producers who have less trained eyes.

Livestock market employees and producers are not only less experienced at disease detection, their goals are in direct conflict with disease diagnosis— their main goal being to sell animals at the highest price they can attain per head. If APHIS-2014-0018 goes into effect as written, those in charge of disease detection would also be those who stand to benefit most from ignoring diseased animals.

Unfortunately, the conflict of interest is too great to give producers and livestock market employees the authority to monitor animal disease at markets.

In its proposed rule, APHIS explains that animal disease is not as prevalent as it was when APHIS first promulgated the traceability regulations, and thus the on-site veterinarian requirement is unnecessary. However, the most recent USDA disease status report shows that animal diseases are still widespread: 10 of 14 cattle diseases, 7 of 11 sheep and goat diseases, and 6 of 11 equine diseases listed in the report are all currently present within the United States.¹ Additionally, each year the United States spends hundreds of millions of dollars working to eradicate these animal diseases. Requiring a veterinarian at markets is a modest means of containing the spread of disease.

Veterinarians should be required to ensure non-ambulatory animals are properly treated or humanely euthanized because they are at a higher risk for disease.

Under the Animal Health Protection Act (AHPA), APHIS has the authority to “carry out operations and measures to detect, control, or eradicate any pest or disease of livestock.” Sick and injured animals are at a higher risk for disease, and therefore treatment or humane euthanasia must be provided if APHIS is to meet AHPA goals.

Non-ambulatory animals are more susceptible to diseases that can have significant negative effects on our food system. For example, non-ambulatory cattle are more likely to be infected with *Bovine Spongiform Encephalopathy*, and they have three times the amount of *Escherichia coli* in their systems than ambulatory cattle.² APHIS’ sister agency, Food Safety and Inspection Services (FSIS), already requires the humane euthanasia of non-ambulatory cattle for food safety reasons. APHIS could further protect our food system by requiring euthanasia of these animals before they are packed tightly with other animals on trucks and transported around the country—providing increased opportunity to infect other animals in our food supply.

Additionally, in general, pigs who are sick or non-ambulatory are more likely to carry diseases. This is in part because they spend more time sitting in fecal matter which contains several infection-causing

¹ US Dept. of Agriculture, *United States of America’s Status of OIE Reportable Diseases: 2012*, available at http://www.aphis.usda.gov/vs/nahss/docs/us_status_of_oie_diseases_2012.pdf.

² Carolyn L. Stull et al., *A review of the causes, prevention, and welfare of nonambulatory cattle*, 231 JAVMA 227, 229 (2007).

bacteria such as *Campylobacter spp.*, and *Listeria monocytogenes*.³ Listeriosis, which is caused by *Listeria monocytogenes*, accounts for approximately 28 percent of all US foodborne illness deaths.⁴

If APHIS requires humane euthanasia of non-ambulatory animals at livestock markets it will not only help protect our food system, it will also relieve unnecessary pain and suffering. Animals who are non-ambulatory are difficult to handle humanely. Producers and market employees want these animals sold or disposed of as fast as possible. This means the animals are either: (1) sold and inhumanely moved to trucks where they will have to endure long, crowded journeys (and where there is a higher chance of spreading disease) or (2) left to die a potentially slow, painful death in order to avoid the cost of humane euthanasia.

For the health and welfare of animals, and for the integrity of our food system, please implement the above regulations. Thank you for your consideration. If you have any questions please contact Michelle Pawliger at michelle@awionline.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Pawliger", with a long, sweeping underline.

Michelle Pawliger

Farm Animal Policy Associate

³ Cherie J. Ziemer, *Fate and transport of zoonotic, bacterial, viral, and parasitic pathogens during swine manure treatment, storage, and land application*, 88 J. ANIM. SCI. E84-94 (2010). See generally Bruce Friedrich et al., *Petition for the ante-mortem inspection of non-ambulatory disabled pigs* (2014), available at <http://www.fsis.usda.gov/wps/wcm/connect/5faaea60-31ed-4f28-996a-98ca9097b013/Petition-FarmSanctuary-060314.pdf?MOD=AJPERES>.

⁴ H. Scott Hurd et al., *Swine health impact on carcass contamination and human foodborne risk*, 143 PUBLIC HEALTH REPORTS 343-351 (2008).