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Honorable Collin C. Peterson, Chairman
Committee on Agriculture
U.S. House of Representatives
Room 1301 Longworth House Office Building
Washington, D.C., 20515

Dear Chairman Peterson:

The Keep Antibiotics Working coalition (KAW) is writing to express our strong opposition to Section 123, Title I, of the Chairman's Mark, under the jurisdiction of the Livestock, Dairy, and Poultry Subcommittee, in the 2007 Farm Bill. Keep Antibiotics Working is a coalition of health, consumer, agricultural, environmental, humane, and other advocacy groups with more than ten million members working to protect public health through the promotion of the responsible use of antibiotics in animal agriculture. KAW opposes Section 123 because it would prohibit state and local governments from taking steps to reduce the public health crisis of antimicrobial resistance.

Section 123 reads:

SEC. 123. EFFECT OF USDA INSPECTION AND DETERMINATION OF NON-REGULATED STATUS.

Notwithstanding any other provision of law, no State or locality shall make any law prohibiting the use in commerce of an article that the Secretary of Agriculture has—

- (1) inspected and passed; or
- (2) determined to be of non-regulated status.

Antimicrobial drug use in livestock is widely recognized as a contributing factor to the rise of antibiotic resistance impacting human medicine. Section 123 would limit states' and local governments' efforts to reduce this contribution. For example, in 2000 the FDA determined that the use of the antibiotic drug enrofloxacin in poultry was leading to antibiotic resistant campylobacter infections in humans. Because of legal delaying tactics by the drug manufacturer, FDA was not able to require the drug be taken off the market until 2005. In the interim, several states

considered placing restrictions on the sale of meat from poultry treated with enrofloxacin. This type of state action would be prohibited by Section 123.

More recently, concern has been raised about the potential FDA approval of the critically important drug cefquinome for use in cattle, despite the objections of major medical organizations such as the American Medical Association, the Infectious Disease Society of America, the American Public Health Association, and the American Academy of Pediatrics, and after an FDA advisory panel advised against the approval. Section 123 would prohibit states from limiting the sale of meat from animals treated with this drug.

In addition, Section 123 would prohibit states from taking action to restrict the sale of meat known to be contaminated with multi-drug resistant Salmonella even if it had been shown that the strain of Salmonella had caused significant illness and death. There have been multiple outbreaks of multi-drug resistant Salmonella since 2000 in New England. Because USDA does not consider Salmonella an adulterant in meat, Section 123 would prohibit New England states or others from taking action against meat contaminated with potentially untreatable Salmonella even after it has caused significant human illness.

These are just a few examples of the kind of state laws that could be preempted by Section 123, thereby jeopardizing public health. We urge that Section 123 be removed and that no preemptive language be contained in the Farm Bill as it advances in the House. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Wood", with a stylized flourish at the end.

Richard Wood,
Chair, Keep Antibiotics Working coalition

On behalf of:

Benjamin Cohen
Senior Staff Attorney, Center for Science in the Public Interest

Chris Waldrop
Director, The Food Policy Institute, Consumer Federation of America

Rebecca Goldberg
Senior Scientist, Environmental Defense

Richard Wood
Executive Director, Food Animal Concerns Trust

David Wallinga
Director of Food and Health Program, Institute for Agriculture and
Trade Policy

Tim Kautza
Executive Director (interim), National Catholic Rural Life Conference

Wayne Pacelle,
President and CEO, The Humane Society of the United States

Margaret Mellon
Director of Food and Environment, Union of Concerned Scientists

cc:

Rep. Roy Blunt
Rep. John Boehner
Rep. Leonard Boswell
Rep. Bob Goodlatte
Rep. Robin Hayes
Rep. Steny Hoyer
Rep. Nancy Pelosi