

United States Senate

HART SENATE OFFICE BUILDING
SUITE 112
WASHINGTON, DC 20510-0505
(202) 224-3553
<http://boxer.senate.gov/contact>

March 4, 2008

The Honorable Tom Harkin
Chairman
Senate Agriculture Committee
328-A Russell Senate Office Building
Washington, DC 20510

Dear Chairman Harkin:

I am writing to request that you hold hearings to examine the need for changes in the United States Department of Agriculture's (USDA) administration of food safety and humane animal handling laws. As Chairman of the Senate Agriculture Committee, you have always been a leader on public health and food safety issues, and I know you are committed to ensuring that our nation's food supply is as safe as possible.

As a result of a USDA investigation that uncovered food safety and humane animal handling practice violations at the Hallmark/Westland Meat Company in California, 143 million pounds of meat, more than one-third of which was distributed to Federal nutrition programs, has been recalled. USDA's investigation produced evidence that employees at the Hallmark/Westland facility had been slaughtering downer cattle in violation of USDA regulations that prohibit such animals from entering the food supply.

As you are well aware, Federal and state law prohibits "downer" cows from entering the food supply because these animals are 58 times more likely to carry food borne illnesses like E. coli and mad cow disease. USDA regulations recognize that downer cattle are at a heightened risk for food borne illnesses, and in 2004 the agency took steps to prevent these animals from entering the food supply. Unfortunately, in 2007 USDA created a loophole in these regulations that allows cattle that are on their feet at the time of inspection to be slaughtered for food. The problems created by this loophole are evident in the egregious actions taken by employees at the Westland/Hallmark facility to get downer cows on their feet in time for inspection.

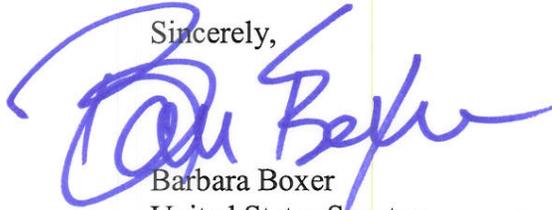
Senator Akaka has introduced a bill, S. 394, that would close the loophole and I encourage your Committee to hold a hearing on this bill as soon as possible. The comments made last week at a Senate Appropriations Committee hearing by Agriculture Secretary Shafer suggest that the Administration has no intention of closing this loophole through regulatory procedures. As a cosponsor of the Akaka bill, I believe that if USDA is unwilling to strengthen food safety regulations on its own, then Congress needs to take a serious look at doing the job with legislation.

I also believe the Agriculture Committee should examine requiring video surveillance at slaughterhouses to assist inspection officials, requiring increased audits of food safety and humane practices compliance, and providing USDA with mandatory recall authority.

We must take the opportunity provided to us by the largest meat recall in our nation's history to close loopholes in existing law and to provide USDA inspectors with the tools and resources they need to ensure a safe food supply. Too much is at stake for Congress not to conduct a comprehensive assessment of USDA food safety inspection regulations, and I am confident that your Committee will be up to the task.

Thank you for your consideration of my request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Barbara Boxer", written over the typed name.

Barbara Boxer
United States Senator