



NEW YORK STATE SENATOR

Liz Krueger

Sen. Krueger Calls for Federal Action on Food Safety and Animal Welfare as U.S. Supreme Court Overturns “Downer” Livestock Law in California

LIZ KRUEGER January 25, 2012

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New York – Today, Sen. Liz Krueger (D-Manhattan) called for new federal legislation in response to the U.S. Supreme Court’s decision yesterday overturning California’s downer livestock law.

“Downer livestock” describes animals who cannot stand or walk, usually because of sickness, injury, or age. Downer livestock is far more likely to carry disease, and under the Federal Meat Inspection Act, downer adult cattle may not be slaughtered and may not be sold for food. Meat from downer cattle in particular is at increased risk of carrying Mad Cow Disease. Meat from other downed livestock can pose serious public health threats as well, however, but the federal law did not institute similar protections for downed livestock animals other than adult cattle.

In yesterday’s decision, the Supreme Court affirmed the supremacy of the Federal Meat Inspection Act over state laws, declaring that states could not enforce stronger requirements than those imposed under the federal law. Sen. Krueger, the lead sponsor of state legislation in New York on “downer” livestock ([S. 427](#)), said the court decision highlighted the need for immediate congressional action.

“Congress must respond right now,” said Sen. Krueger. “In many instances, it is legal to slaughter these sick animals and they can enter the food supply. Now the Supreme Court has taken even the option of state legislation off the table. Congress must amend the Federal Meat Inspection Act to protect Americans and prevent the mistreatment of these animals. At a bare minimum, Congress must amend the law to allow states like California and New York to enact their own protections.”

“Since the meat industry and the Obama administration argued that states are powerless to prevent disabled and abused animals from ending up in the food supply, they must now do more at the federal level to crack down on abuses of downed animals and take away the incentive for producers to torment animals unable to stand or walk to get them into the kill box,” stated Wayne Pacelle, President and CEO of The Humane Society of the United States.

“The Court has said that states can’t help animals at slaughter, so it’s up to the Congress to stop the egregiously abusive practice of slaughtering animals so sick or injured that they can’t even walk,” said Gene Baur, president and co-founder of Farm Sanctuary, the nation’s leading farm animal protection organization. “All compassionate people should contact their representatives and senators and ask that they pass the Downed Animal and Food Safety Protection Act.”

Four members of New York’s congressional delegation are pushing the Downed Animal and Food Safety Protection Act ([H.R. 3704](#)), legislation sponsored by U.S. Rep. Gary Ackerman (D-Queens) to close loopholes in the Federal Meat Inspection Act and permanently protect the food supply from unhealthy livestock. Joining Rep. Ackerman as co-sponsors are Reps. Peter King (R-Seaford), Nita Lowey (D-Harrison), and Michael Grimm (R-Staten Island) from the New York delegation.

California's law prohibited the slaughter of non-ambulatory pigs, sheep, goats, or cattle, and further required that the downed animals be euthanized. The law was passed after revelations in 2008 of horrific practices at some southern California slaughterhouses, including the beating of animals too weak to stand.

Sen. Krueger's legislation in the New York State Senate would prohibit the slaughter and use of downed animals as food products, provides for the humane treatment of downed animals and requires that they be given appropriate veterinary treatment or humanely euthanized, if necessary.

"Without proper regulation, these animals are treated horrifically, and they pose a real threat to our food supply," said Sen. Krueger.