



August 22, 2014

Governor Jerry Brown
State Capitol
Sacramento, CA 95814

RE: SB 835 (Hill) – Request for Veto

Dear Governor Brown,

On behalf of the undersigned environmental, public health, and consumer groups, we must request that you veto SB 835. Despite the author's good intentions, which we respect, its enactment would not make meaningful progress in curbing prophylactic antibiotic use in California produced meat and poultry. Instead, we urge you to work with the Department of Food and Agriculture and the Legislature to propose real, effective policies to curb antibiotic resistance and promote antibiotic stewardship in the livestock sector.

The federal Centers for Disease Control and Prevention (CDC) has called antibiotic resistance "one of our most serious health threats."¹ Human infections today are less responsive to antibiotics, and resistant infections can result in longer illnesses, more hospitalizations, the use of antibiotics with greater side-effects, and even death when treatments fail. The CDC linked a California poultry producer to a recent outbreak of antibiotic-resistant Salmonella that has sickened 634 people across 29 states, and put nearly 40 percent of those infected in the hospital.²

Livestock and poultry antibiotic use is contributing to the spread of resistance. CDC notes that "[s]cientists around the world have provided strong evidence that antibiotic use in food-producing animals can harm public health."³ About 80% of all antibiotics sold in the US are for use on livestock and poultry.⁴ Most of the use is not to treat sick animals, but to speed up animal growth and to compensate for crowded and stressful conditions.

¹ Centers for Disease Control and Prevention, *Antibiotic Resistance Threats in the United States, 2013*, www.cdc.gov/drugresistance/threatreport-2013/

² United States Centers for Disease Control and Prevention, *Multistate Outbreak of Multidrug-Resistant Salmonella Heidelberg Infections Linked to Foster Farms Brand Chicken*, July 31, 2014, www.cdc.gov/salmonella/heidelberg-10-13/

³ Centers for Disease Control and Prevention, *Antibiotic Resistance Threats in the United States, 2013*, www.cdc.gov/drugresistance/threatreport-2013/

⁴ U.S. Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine, *2011 Summary Report on Antimicrobials Sold or Distributed for Use in Food-Producing Animals*, 2011, www.fda.gov/downloads/ForIndustry/UserFees/AnimalDrugUserFeeActADUFA/UCM338170.pdf (accessed October 1, 2013). U.S. Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, *Drug Use Review (2012)*, www.fda.gov/downloads/Drugs/DrugSafety/InformationbyDrugClass/UCM319435.pdf.

Medical and scientific groups have called for an end to the overuse of antibiotics in animal agriculture to help combat the rise of antibiotic resistance.

In an effort to address this threat, the FDA launched a voluntary initiative encouraging pharmaceutical companies to re-label livestock antibiotic products to eliminate growth promotion uses and require veterinary oversight. However, the agency's "Guidance 213" would allow many of the same drugs to be used, without limitation, on a routine basis for the purpose of "disease prevention" – helping animals survive unhealthy, crowded, stressful and unsanitary feedlot conditions. The U.S. Government Accountability Office has documented this loophole and an array of public interest organizations and health experts have called for more meaningful reform. Just last month, California's Senator Feinstein along with Senators Gillibrand (NY) and Warren (MA), sent FDA a letter challenging the Guidance, writing: "The benefits of this change [FDA's new initiative] will be negligible, however, if the same animals can continue receiving the same antibiotics at the same doses."⁵ Animal pharmaceutical industry leaders have also said that they do not expect antibiotic use to be greatly affected as a result of the voluntary guidance.⁶

With federal policy unlikely to change the status quo, leadership is urgently needed in California to establish model antibiotic stewardship policy. Yet SB 835 would replicate the main flaws of the federal Guidance, locking California into the same flawed solution. The bill would not require reductions in antibiotic use. While SB 835 bill would require manufacturers to re-label products to eliminate growth promotion uses, many of the same drugs can continue to be used for "disease prevention"--even when there are no signs of disease. Furthermore, SB 835 does not even include a provision to track antibiotic use in animal agriculture and therefore includes no mechanism to evaluate progress under the law or improve our understanding of drug use trends and reduction opportunities.

We are concerned that SB 835 will have little real impact on reducing livestock antibiotic use and will be used by opponents of antibiotic use reform to block or delay more meaningful action. By vetoing this bill, you can send a loud signal to Californians that real reform is needed.

We appreciate your consideration and look forward to working with you and your administration to make further progress on this important public health problem.

Respectfully,

Nancy Buermeyer
Breast Cancer Fund

Elisa Odabashian
Consumers Union

Emily Rusch
CalPIRG

Bill Allayaud
Environmental Working Group

Kathryn Alcantar
Center for Environmental Health
Californians for a Healthy & Green Economy

Jonathan Kaplan
Natural Resources Defense Council

Andria Ventura
Clean Water Action

Annie Pham
Sierra Club California

⁵ Letter to FDA Commissioner Margaret Hamburg from Senators Feinstein, Warren and Gillibrant, July 31, 2014. See <http://www.warren.senate.gov/files/documents/2014-7-28%20Letter%20to%20FDA.pdf>.

⁶ See for example Gee, K, Meat Industry Won't Fight Antibiotics Rule, *Wall Street Journal*, December 12, 2013. <http://online.wsj.com/news/articles/SB10001424052702304202204579254631846462394>