

July 29, 2010

FSIS Docket Clerk
Department of Agriculture
Food Safety and Inspection Service
Room 2534 South Building
1400 Independence Avenue, S.W.
Washington, DC 20250-3700

**UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY INSPECTION SERVICE**

**Petition to amend 9 C.F.R. § 309.3(e) to
Prohibit the Slaughter of
Non-Ambulatory Pigs, Sheep, Goats,
and Other Livestock and to Require
that Such Animals be Humanely
Euthanized.**

Docket No. 10-01

**Amendment to Add
MICHAEL J. BAUR and
LAUREN BLUMENTHAL
as Individual Petitioners**

I. Introduction

This amendment is submitted to add, and state the interests of, individual petitioners Michael J. Baur and Lauren Blumenthal (collectively “Individual Petitioners”) to the petition for rulemaking submitted by Farm Sanctuary on March 15, 2010, titled *Petition to amend 9 C.F.R. § 309.3(e) to Prohibit the Slaughter of Non-Ambulatory Pigs, Sheep, Goats and Other Livestock and to Require that Such Animals be Humanely Euthanized*, FSIS Petition Number 10-01.

Individual Petitioners join Farm Sanctuary in requesting an amendment to 9 C.F.R. § 309.3(e) to require that all non-ambulatory livestock be condemned and humanely euthanized in accordance with 9 C.F.R. § 309.13. Individual Petitioners understand and agree with the information, data, and position set forth by Farm Sanctuary in Petition Number 10-01. The interests of each individual in relation to this request for rulemaking are set forth below and in the accompanying affidavits.

II. Interests of Individual Petitioners

A. Michael J. Baur

Michael J. Baur is a regular consumer of meat from pigs, goats, sheep and other livestock who has long been interested in and concerned with the health risks associated with the consumption of commercially produced meat from slaughterhouses in the United States.¹ He was previously a plaintiff in case focusing on the health risks involved with Bovine Spongiform Encephalopathy (BSE), or “Mad Cow Disease,” in cattle.² Because BSE has been discovered in the United States, Baur is also concerned that other types of meat that he consumes—including meat from pigs, goats, sheep and other livestock—may be processed from non-ambulatory animals with BSE or similar diseases.³

Aside from BSE and similar diseases, Baur also agrees with Farm Sanctuary that it is likely that non-ambulatory pigs, goats, sheep and other livestock may be carriers of other diseases which could threaten his health if he consumes their meat.⁴ As a result, Baur believes that the slaughter of all non-ambulatory livestock should be prohibited and that such animals should be humanely euthanized.⁵ Baur agrees with the positions set forth in Farm Sanctuary’s petition regarding the slaughter of non-ambulatory livestock and joins Farm Sanctuary in requesting that 9 C.F.R. § 309.3(e) be amended to prohibit the slaughter of non-ambulatory pigs, sheep, goats, and other livestock and to require humane euthanasia in accordance with 9 C.F.R. § 313.⁶

¹ Baur Aff. ¶¶ 2-4.

² Id. ¶ 4.

³ Id. ¶ 5.

⁴ Id. ¶ 5.

⁵ Id. ¶ 6.

⁶ Id. ¶¶ 7-8.

B. Lauren Blumenthal

Lauren Blumenthal is also a regular consumer of meat products who plans to continue purchasing and consuming meat from pigs, goats, sheep and other livestock.⁷ Blumenthal is concerned about the slaughter of non-ambulatory pigs, goats, sheep and other livestock because they may be subject to inhumane treatment, as demonstrated in Farm Sanctuary's petition, and because the meat produced from non-ambulatory animals may pose a substantial risk to her health and safety.⁸ Though she enjoys consuming meat and attempts to make health conscious and ecologically sensitive choices when purchasing animal products, Blumenthal finds it difficult to make healthy and safe choices in purchasing and consuming meat products from pigs, goats, sheep and other livestock because those products may be derived from animals that became non-ambulatory after ante-mortem inspection.⁹ Blumenthal is concerned that meat from non-ambulatory animals may be contaminated with diseases that are transmittable to humans as demonstrated by Farm Sanctuary in its petition.¹⁰

Accordingly, Blumenthal believes that the slaughter of all non-ambulatory livestock should be prohibited and that such animals should be humanely euthanized.¹¹ She joins Farm Sanctuary in requesting that 9 C.F.R. § 309.3(e) be amended to prohibit the slaughter of non-ambulatory pigs, sheep, goats, and other livestock and to require humane euthanasia in accordance with 9 C.F.R. § 313.¹²

⁷ Blumenthal Aff. ¶ 2.

⁸ Id. ¶ 3.

⁹ Id. ¶¶ 3-4.

¹⁰ Id.

¹¹ Id. ¶ 5.

¹² Id. ¶¶ 6-7.

III. Conclusion

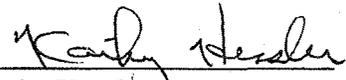
Based on the information provided in Petition Number 10-01 and for the reasons set forth above, Individual Petitioners Baur and Blumenthal join Farm Sanctuary in requesting that 9 C.F.R. § 309.3(e) be amended as follows:

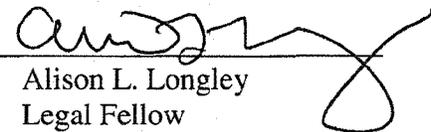
309.3 Dead, dying, disabled, or diseased and similar livestock.

* * * * *

(e) Establishment personnel must notify FSIS inspection personnel when cattle livestock become non-ambulatory disabled after passing ante-mortem inspection. Non-ambulatory disabled cattle livestock that are offered for slaughter must be condemned and disposed of in accordance with § 309.13.

FARM SANCTUARY
Respectfully Submitted,

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State of New York)
)
_____) ss:
County)
)

**UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY INSPECTION SERVICE**

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and Other Livestock and to Require)
that Such Animals be Humanely)
Euthanized)
_____)**

Docket No. 01-01

Affidavit of LAUREN BLUMENTHAL

I, LAUREN BLUMENTHAL, being duly sworn, state as follows:

1. I am of the age of majority and reside at 333 East 49th Street, New York City, New York, 10017.
2. I am a regular consumer of meat products and plan to continue purchasing and consuming meat from pigs, goats, sheep and other livestock.
3. As a meat consumer, I am concerned about the slaughter of non-ambulatory pigs, goats, sheep and other livestock because they may be subject to inhumane treatment and the meat produced from non-ambulatory animals may pose a substantial risk to my health and safety.
4. I enjoy consuming meat and attempt to make health conscious and ecologically sensitive choices when purchasing animal products. However, I find it difficult to make healthy and safe choices in purchasing and consuming meat products from pigs, goats, sheep and other livestock because they may be derived from animals that become non-ambulatory after ante-mortem

inspection. Meat from non-ambulatory animals may be contaminated with diseases that are transmittable to humans.

5. It is my belief that the slaughter of all non-ambulatory livestock should be prohibited and that such animals should be humanely euthanized.

6. Specifically, I request that 9 C.F.R. § 309.3(e) be amended to prohibit the slaughter of non-ambulatory pigs, sheep, goats, and other livestock and to require humane euthanasia in accordance with 9 C.F.R. § 313, so that these livestock animals are treated in the same manner as cattle under the current version of that regulation.

7. I am familiar with and agree with the petition submitted by Farm Sanctuary on March 15, 2010 (FSIS Petition No. 10-01) which discusses the issues surrounding the slaughter of non-ambulatory pigs, goats, sheep and other livestock in detail.

FURTHER AFFIANT SAYETH NAUGHT.

DATED this 11 day of June, 2010.


Lauren Blumenthal

Subscribed and sworn to before me, on this 11 day of June, 2010

Rima Kaidbey, Notary Public, New York County, New York.

(seal)


Notary Public, State of New York
My Commission Expires Jan. 22, 2011
No. 01KA615885
Qualified in New York County
Commission Expires Jan. 22, 2011

State of New York)
)
) ss:
County Bloomfield)
)



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Euthanized**)
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)
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)

Docket No. 10-01

Affidavit of MICHAEL J. BAUR

I, MICHAEL J. BAUR, being duly sworn, state as follows:

1. I am of the age of majority and reside at 50 Meadow Lane, Bloomfield, New Jersey, 07003.
 2. I am a regular consumer of meat products and plan to continue purchasing and consuming meat from pigs, goats, sheep and other livestock.
 3. As a meat consumer, I am concerned about the slaughter of non-ambulatory pigs, goats, sheep and other livestock which may pose a substantial risk to my health and safety.
 4. As evidenced by my participation as the Plaintiff-Appellant in *Baur v. Veneman*, 352 F.3d 625 (2nd Cir. Ct. App. 2003), I have long been interested in, and concerned about, health risks associated with the consumption of commercially produced meat from slaughterhouses in the United States. My concern in *Baur v. Veneman* focused on health risks that had come to the attention of the public, namely, risks associated with Bovine Spongiform Encephalopathy (BSE), or "Mad Cow Disease."
 5. BSE has been discovered in the United States. As a result, I am concerned that my consumption of other types of meat—including meat from pigs, goats, sheep and other
- Affidavit of Michael J. Baur

livestock—may be processed from non-ambulatory animals with BSE or similar diseases.

Regardless of whether these other animals can transmit BSE to humans specifically, I believe it is likely that non-ambulatory pigs, goats, sheep and other livestock may be carriers of other diseases that could threaten my health if I consume their meat.

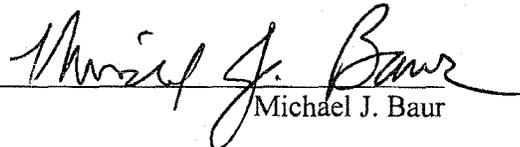
6. It is my belief that the slaughter of all non-ambulatory livestock should be prohibited and that such animals should be humanely euthanized.

7. Specifically, I request that 9 C.F.R. § 309.3(e) be amended to prohibit the slaughter of non-ambulatory pigs, sheep, goats, and other livestock and to require humane euthanasia in accordance with 9 C.F.R. § 313, so that these livestock animals are treated in the same manner as cattle under the current version of that regulation.

8. I am familiar with and agree with the petition submitted by Farm Sanctuary on March 15, 2010 (FSIS Petition No. 10-01) which discusses the issues surrounding the slaughter of non-ambulatory pigs, goats, sheep and other livestock in detail.

FURTHER AFFIANT SAYETH NAUGHT.

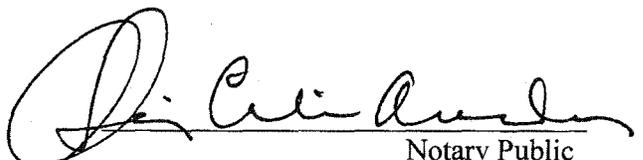
DATED this 26 day of MAY, 2010.


Michael J. Baur

Subscribed and sworn to before me, on this 26th day of MAY, 2010

~~GEORGINA CALIA ARENDACS~~ Notary Public, BRONX County, New York.

(seal)


Notary Public
My Commission Expires: July 7, 2011

Affidavit of Michael J. Baur

GEORGINA CALIA ARENDACS
NOTARY PUBLIC, STATE OF NEW YORK
NO. 03-48663333
QUALIFIED IN BRONX COUNTY
COMMISSION EXPIRES JULY 7, 2011