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**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on ... Public Health
(AC-PH)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
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INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

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- Hearing Records ... bills and resolutions
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- Miscellaneous ... **Misc**



Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

TESTIMONY OF MARGARET MELLON, Ph.D., J.D. FOOD AND ENVIRONMENT PROGRAM DIRECTOR UNION OF CONCERNED SCIENTISTS

Submitted to the Committee on Public Health

In Support of Assembly Bill 837

January 11, 2006

Chairman Hines, Vice-Chairman Underheim, and other committee members,

I write today on behalf of the nearly 4,000 Wisconsin supporters of the Union of Concerned Scientists (UCS), a public, non-profit organization of citizens and scientists working for practical solutions to environmental problems. My name is Dr. Margaret Mellon and I am director of UCS's Food and Environment Program, which is dedicated to the transformation of American agriculture into a system that is healthful, environmentally sound, and hospitable to the small and medium size farmers that are the backbone of rural economies.

UCS is pleased to write to support Assembly Bill 837, a bill introduced by Representative Sony Pope-Roberts. By establishing a purchasing preference for meats produced without the nontherapeutic use of antibiotics, Representative Pope-Roberts' bill would strike a blow for public health and send a powerful signal to consumers everywhere about the high quality of Wisconsin's agricultural products.

We are here today because the overuse and misuse of antibiotics is a major threat to public health, one of the "top concerns" of the country's premier public health agency, the Centers for Disease Control and Prevention. Antibiotic use selects for microorganisms resistant to antibiotics, thereby rendering the drugs ineffective in treating disease. Antibiotic use occurs predominantly in human medicine and agriculture. Unnecessary use *in both venues* needs to be curtailed to prolong the effectiveness of vital human medicines.

Wisconsin citizens, like many other Americans, have had experience with antibiotics that did not work. Sometimes resistance means several days of unnecessary pain and suffering while doctors figure out that another drug is needed. But increasingly resistance leads to more serious consequences. Treating a patient with a drug that proves not to work can give an infection a chance to progress to a more serious illness. One of the members of UCS's Board who lives in the neighboring state of Minnesota had a urinary tract infection that was 100 percent resistant to the commonly prescribed drug. Before she was put on an effective drug, her infection had progressed to kidney disease, which kept her at home for a month and functioning below par for 6 months.

Not only are antibiotic resistant diseases more difficult to treat, evidence is accumulating that shows resistant bacteria to be more likely than susceptible bacteria to cause systemic blood infections and require hospitalization. The bottom line is more human suffering, more days out of work, and higher medical and drug costs. At risk are the miracle drugs of the 20th century.

Human medicine has stepped up to the plate and implemented programs to reduce antibiotic use, but agriculture has not. Yet agriculture uses the lion's share of the antibiotics in the United States—an estimated 13 million pounds of antibiotics every year, about 70 percent of total. These antibiotics used in agriculture are the very same as those used in human medicine—penicillin, tetracycline, erythromycin, and others. Why does agriculture use such huge quantities of antibiotics? Surprisingly most of the antibiotics are not used to treat disease. Instead they are often used to promote growth and compensate for crowded, stressful conditions. Large concentrated feeding operations are responsible for most of the overuse.

For many years, agriculture has justified its continued reliance on human use antibiotics by questioning the strength of the link between agricultural antibiotic use and the compromised effectiveness of human drugs. Whatever its strength in the past, that argument will not fly any longer. The scientific evidence is in and it is clear, convincing—and mounting.

In 2002, the Alliance for the Prudent Use of Antibiotics reviewed over 300 papers and produced a peer-reviewed report concluding, “The elimination of the non-therapeutic use of antimicrobials in food animals and agriculture will lower the burden of antimicrobial resistance...with consequent benefits to human and animal health.”

In 2003, the World Health Organization concluded, “There is clear evidence of the human health consequences [from agricultural use of antibiotics, including] infections that would not have otherwise occurred, increased frequency of treatment failures (in some cases death) and increased severity of infections.”

In 2003, National Academy of Sciences' Institute of Medicine came to the same conclusion, stating, “Clearly, a decrease in antimicrobial use in human medicine alone will have little effect on the current situation. Substantial efforts must be made to decrease inappropriate overuse in animals and agriculture as well.”

In 2001, the prestigious New England Journal of Medicine published a special editorial whose title sums it up well—“Antimicrobial Use in Animal Feed—Time to Stop.”

The literature is voluminous and diverse, but the overall point is clear. Antibiotic overuse in agriculture, just as in human medicine, is undercutting the efficacy of important human therapies and in some cases generating even more virulent pathogens. This conclusion is supported by medical and public health communities alike. As proof, virtually every mainstream medical association—American Medical Association, American Academy of Pediatrics, American Nurses Association, American Public Health Association, the Wisconsin Medical Association, and other medical organizations across the country endorse federal legislation curtailing the use of medically important drugs in animal agriculture. I'm not aware of a single medical

organization that has taken the position that non-therapeutic antibiotic use is needed in some way to protect human health.

The federal legislation I referred to above is the Preservation of Antibiotics for Medical Treatment Act (PAMTA) which will phase out the use in animal agriculture of drugs important in human medicine, like penicillin and tetracycline, within a two year time frame. Despite bipartisan support in Congress, PAMTA has a long uphill road ahead of it. Meanwhile it is important that states creatively encourage reduced antibiotic use in agriculture in other ways.

Representative Pope-Roberts' bill represents just such a creative approach. It encourages producers who use antibiotics only to treat sick animals by giving them a purchasing preference if they want to sell meat to Wisconsin institutions. The purchase preference will not raise the cost of meat to Wisconsin institutions one penny. The bill specifies that the meat eligible for the preference must be equivalent in "quantity, quality, availability, and price."

It makes no sense for Wisconsin to wait for the national legislation. The purchasing preferences in Representative Pope-Roberts' bill offer advantages to producers—like many Wisconsin producers—who use sustainable farming methods. Why should these farmers have to wait for the federal government to act in order to receive a purchasing preference and why should Wisconsin have to wait to protect its children and other citizens? By moving now, Wisconsin enhances the already excellent reputation of its agricultural products and will be ahead of the curve when the federal government is finally ready to act.

Many Wisconsin farmers will be able to qualify for the purchasing preference and will be at no disadvantage under the bill's provisions. No farmer will be *required* to do anything. Rather, those who voluntarily forgo the nontherapeutic use of antibiotic feed additives will be rewarded for their efforts if they can make their product available for purchase at similar quantity, quality, availability and price. In addition, the enhanced reputation for Wisconsin products could open up new markets to these farmers, here and in other states.

Representative Pope-Roberts' bill employs terms that speak directly to the public health impacts of use, encouraging therapy, the treatment of sick animals, and discouraging routine use in healthy animals. The nontherapeutic/therapeutic distinction is increasingly favored by the World Health Organization and other public health agencies because it groups together growth promotion and routine disease prevention, the long term, low dose modes of use most likely to elicit resistance. Therapeutic uses, by contrast, tend to be short term and high dose and of lesser concern from a resistance point of view. Older use categories like "subtherapeutic" are falling out of favor because such doses need to be calculated—and recalculated—in reference to a dose appropriate for therapy—always a moving target.

We know from experience that moving towards responsible use of antibiotics in animal agriculture is possible. In 1999, Denmark, the world's leading pork exporter, ended all use of antimicrobial growth promoters. A World Health Organization analysis of the Danish experience has shown that the nontherapeutic uses of antibiotics can be ended with little or no impact on agricultural productivity and animal welfare. The comprehensive analysis, published in 2003, showed that there were no appreciable impacts from the antibiotic ban in broiler chickens or

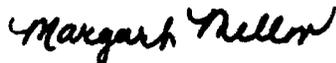
older, so-called "finisher" pigs. There was a modest increase in the number of pigs requiring antibiotics for the treatment of diarrhea at weaning time, but the increase was completely offset by the overall decrease in antibiotic use. According to the World Health Organization report, the overall drop in antibiotic use was 54 percent.

Sometimes you hear that routine antibiotic use has benefits for human health. There is simply no evidence that that is the case. Healthy flocks or herds fed medicated feed may or may not harbor organisms that cause human disease. European studies have shown that levels of food-borne pathogens go up or down independently of antibiotic use in food agriculture. Antibiotic use in healthy animals is simply unrelated to rates of food-borne illness.

In summary, the Union of Concerned Scientists congratulates Representative Pope-Roberts' for introducing this creative piece of legislation. It is a positive step in the direction of an agriculture that does not undercut the effectiveness of medicine, lead to sicker patients, or increase medical costs. In addition, a purchasing preference enhances the reputation of Wisconsin products for high quality, health conscious food products. I strongly urge you to support this bill.

Thank you for the opportunity to submit this testimony.

Sincerely,



Margaret Mellon, Ph.D., J.D.
Director, Food and Environment Program
Union of Concerned Scientists





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ASSEMBLY PUBLIC HEALTH COMMITTEE
Public Hearing
January 11, 2006

Testimony relating to Assembly Bill 837
Submitted by the Wisconsin Veterinary Medical Association

Good morning Chairperson Hines and members of the Committee. My name is Dr. David Rhoda. I have been a food animal veterinarian for 37 years and practice in Evansville, Wisconsin and am currently working part-time at the University of Wisconsin Dairy Science Department on milk quality.

I am speaking today on behalf of the Wisconsin Veterinary Medical Association to urge your opposition to Assembly Bill 837. We believe that AB 837 is not only unnecessary, but could actually create a risk to animal health and welfare.

The veterinary profession is well aware of its responsibility for the judicious use of antimicrobials as it affects animal health, animal welfare and food safety. Legislating against the use of antimicrobials for the prevention of disease is not judicious use of antimicrobials; it is legislating against the delicate balance of animal health and animal welfare. Food safety can never be compromised.

The bill is unnecessary because the federal Food and Drug Administration has adequate authority to regulate antibiotics that may create a public health risk. The FDA has demonstrated that they will take action when they believe the public health is threatened. For example, the FDA withdrew approval to use enrofloxacin for treatment of certain poultry diseases. The FDA is currently evaluating the use of antibiotics in feeds and is in the best position to undertake the appropriate scientific risk analysis.

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AB 837

Disadvantages animal producers who use FDA approved products while providing no added protection to public health.

AB 837 would establish a purchasing preference in Wisconsin state institutions for meat produced without the “nontherapeutic” use of antibiotics in animal agriculture.

The term “nontherapeutic” is a non-scientific term that is unworkable.

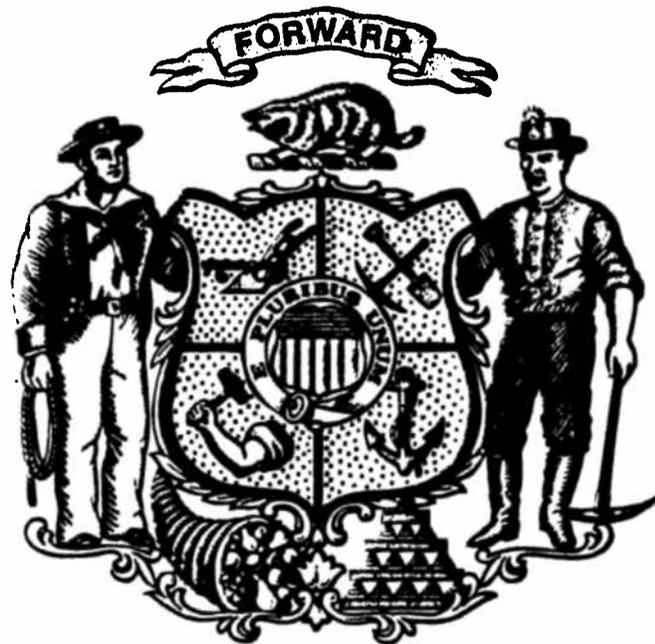
- “Nontherapeutic” is not a term used in science or regulatory policy. In attempting to define the term, the bill creates a situation that will not allow farmers to treat animals with products approved as safe and effective by the U.S. Food and Drug Administration if they want to qualify for the purchasing preference.
- The “nontherapeutic” term only creates confusion about specific products that will or will not be acceptable, and creates a huge burden on the purchasing authorities.

The bill would likely disadvantage conventional producers in Wisconsin who produce safe products.

- Conventional producers who use antibiotics approved by FDA in their disease management programs. These producers would be penalized by this bill.

This bill will produce no public health benefits.

- Removing “growth promotion” uses of antibiotics in Europe led to increases in animal disease and therapeutic use of antibiotics, while producing no public health benefits.
- In fact, published studies conclude that there is added risk of food borne illness from non-resistant bacteria when the uses of antibiotics are banned in the absence of a risk assessment.
- Risk assessments have been done on some of the compounds that would be affected by this legislation. Recently, FDA published a risk assessment it conducted on virginiamycin, concluding that the risk of using the product is extremely small. Why would the State of Wisconsin encourage producers not to use products deemed safe by the FDA?



**Testimony before the Wisconsin Assembly Committee on Public Health on 2005 Bill 837
"To Preserve Antibiotics for Human Health"**

My name is Walter Donald Schultze, resident at 316 N 8th Street, Mount Horeb, Dane Co. My educational background includes a Bachelor's Degree in Bacteriology from the University of Pennsylvania, an MS Degree in Agricultural Bacteriology from the University of Wisconsin and a PhD Degree in Dairy Husbandry from the University of Minnesota. I was employed for about 25 years, before retirement in 1986, as a Research Microbiologist at the US Department of Agriculture's Beltsville Research Center, my chief research responsibilities being in bovine mastitis and raw milk quality. In the last ten years of that period, I was the US Representative on the A.2 Mastitis Experts Group of the International Dairy Federation.

Assembly Bill 837 is dear to my heart as a beginning attack on a widespread threat to human health, namely the increasing prevalence of antibiotic resistance among bacterial strains involved in human disease. To cite a frightening personal example, several years ago, my wife contracted a case of pneumonia serious enough to require her hospitalization. Over several weeks, one and then another antibiotics commonly prescribed to combat this pneumococcal infection failed to stem the course of the infection. We nearly lost her. By the time the physicians found an antimicrobial agent that was effective against this strain, my wife's lungs had sustained sufficient damage that she has since had to be under a specialist's care for asthma.

The chain of events linking misuse of antibiotics with the emergence of strains of bacteria resistant to them basically involves exposing a bacterial population to the

antibiotic either in a concentration too low to kill all the bacterial cells or exposing them for too short a time to kill all. The result is that the few bacterial cells of inherently higher antibiotic resistance can now multiply rapidly and become the dominant population.

(This was a hard lesson for the medical profession to grasp, for the treatment doctrine had always been that one uses the minimum amount of a drug to do the job, whereas with antibiotics the reverse approach is absolutely necessary.) Fortunately, professional practice in human medicine is now largely in accord with the newer scientific knowledge.

But we now realize that we must deal with another chain of events, one that involves more steps and thus is less obvious to the general public. This process involves the generation of antibiotic-resistant strains of bacteria in the bodies of our food animals. We share a great many kinds of bacteria with these domestic animals, and the opportunities for passing them back and forth, either directly by handling or consuming the meat or just through contamination of our environment, are common.

The practice has become common all over the world to add to commercially-produced animal feeds a low concentration of one or more antibiotics as so-called “growth promoters”. The practice does prevent acquisition of various maladies which would tend to slow the animals’ growth rate. On the average, “growth promoters” in the feed allow the animals to reach market weight a little sooner at, of course, a somewhat lower cost.

However, prolonged and indiscriminate exposure of bacteria to these drugs creates precisely the optimum conditions for generation of antibiotic-resistant strains of bacteria. And, the drugs used are usually the same ones that we depend upon to defend us from

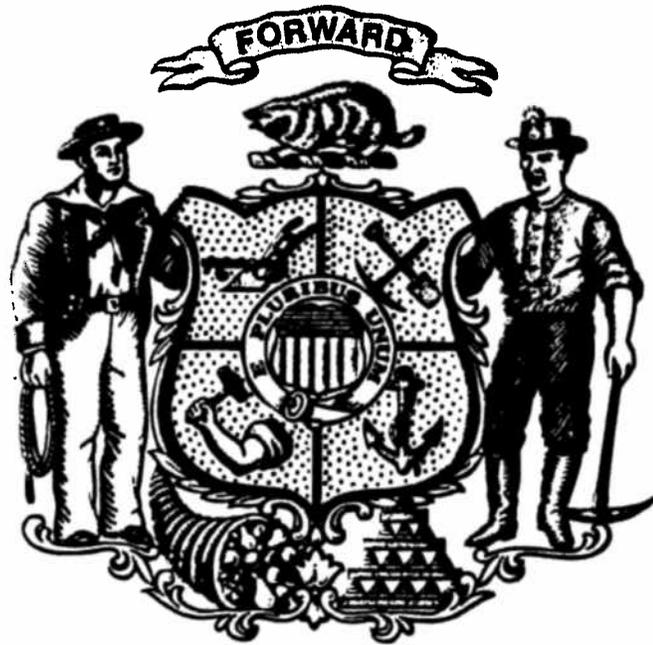
human infections. This is a recipe for disaster. Hundreds of scientific studies from all over the world document the increase of antibiotic-resistant strains of a great many bacterial species of human health significance. And we cannot ignore the rather recent findings that bacterial strains growing in proximity to each other can exchange genetic material – including the genes for antibiotic-resistance.

The argument has been made, by animal husbandry corporate interests and by the pharmaceutical companies selling these so-called “growth promoters, that animal sources of antibiotic-resistance are not a threat to human health, and that their elimination from use would cause disastrous losses to the food animal industry. The World Health Organization has evaluated a program in which the entire nation of Denmark has withdrawn antimicrobial growth promoters in cattle, broilers and pigs, beginning in 1998. “The net costs associated with productivity losses incurred by removing antimicrobial growth promoters from pig and poultry production were estimated as 1.04 Euros per pig produced and no net cost for poultry. Savings in “growth promoter” costs largely offset losses in feed efficiency in broilers.”

I shall not burden you with detailed results from long lists of scientific studies. However, the supporting evidence for my argument is impressively great. I shall leave with your Chairperson several documents which provide an extensive overview of the literature from the United States and the rest of the world. Included among these documents is “A Citizen Petition Seeking Withdrawal of Approvals of Certain Herdwide/Flockwide Uses of Critically and Highly Important Antibiotics Pursuant to

Guidance #152”, which was submitted to the U.S. Food and Drug Administration in April, 2005 on behalf of the following organizations: Environmental Defense, the American Academy of Pediatrics, the American Public Health Association, and the Union of Concerned Scientists.

Thank you for the opportunity to speak to this issue.



Most will agree that the European ban on antibiotics is extremely rigid. This bill goes way beyond the European ban which is limited to feed antibiotics for growth promotion. The limitations in AB 837 would create a risk to animal health and welfare by limiting the use of antibiotics to prevent or control disease.

For example, the bill has “non-routine use” as part of the definition of “disease prevention” but does not define “non-routine use.” What does non-routine mean?

- Does this mean the use of dry cow therapy to prevent and treat subclinical mastitis every year during the cow’s dry period?
- Does this mean the use of antimicrobials to prevent respiratory disease when cattle are received in a facility?
- Does this mean the use of antibiotics in piglets that are newly weaned?

In conclusion, the WVMA strongly believes that there is insufficient evidence to justify state legislative or regulatory prohibition of classes of use of antimicrobials in livestock feeds. And, more importantly, the far-reaching limitations included in the bill create a very definite health and wellness risk to Wisconsin’s livestock population.

Thank you for your consideration. I would be happy to answer any questions you may have.