

# AFFIDAVIT

Prepared by Trent J. Berhow

January 14, 2003

My name is Trent J. Berhow. I am a United States Department of Agriculture Food Inspector and the Midwest Council President of the National Joint Council of Food Inspection Locals (NJC). I represent inspectors in Iowa, Nebraska, Kansas, and Missouri. I have worked as a Federal inspector for 13 years and have been the Council President since April of 2003. I am submitting this affidavit freely and voluntarily, without any threats, inducements or coercion to Felicia Nestor, who has identified herself as Food Safety Director of the Government Accountability Project (GAP). This statement evidences my concern about BSE (Mad Cow Disease), and "downers" in the food supply, downers being animals that are too sick or injured to walk on their own. There is no proprietary information in my statement.

I have many personal reasons for concern; I'm a member of the consuming public and eat beef myself. I am a father, and grandfather and I'm concerned about the health of my family. I'm concerned about the terrible consequences of this disease as reported by the press in the UK, Canada, and the United States. I am concerned that our own government is not doing all that it could to ensure food safety.

I have worked in approximately 20 different slaughter plants in the states of Nebraska, Iowa, and Minnesota, over the years. During this time, and as recently as during the past year, I have witnessed downer animals being slaughtered, and know that the meat from many of these animals has been allowed to enter the food chain without any sort of testing for Mad Cow Disease being done on the animal.

I also have concerns about the potential for live cattle with potential BSE symptoms, not being identified during ante mortem inspections, those done before slaughter, while the animal is still alive. My reason for concern is that many beef slaughtering plants apply for and receive from FSIS, permission to utilize an Alternate Ante Mortem Inspection Program.

Under the conditions of this program, only 10 percent of the live animals are required to be inspected by an FSIS veterinarian. This means that in a very large slaughter plants, that slaughter 5,000 cattle per day, only 500 are required to have ante-mortem inspections performed on them by an FSIS veterinarian. This reinforces my concerns that USDA has not learned its lesson from previous public health scares. This is just a rerun of earlier efforts to streamline or cancel continuous government inspections at beef slaughter and processing facilities. Those attempts were stopped before by the National Academy of Sciences, Congress, consumers, and even more far-sighted members of the meat industry.

This statement is an introductory summary of concerns my membership has shared with me about the public health threat from Mad Cow Disease. Unfortunately my membership must speak through me, due to well-grounded fears of retaliation.

One member informed me of the following:

I have worked in beef slaughtering plants for a number of years as a USDA FSIS inspector. While working in these plants I have seen literally hundreds of downer cattle slaughtered, and only once have I ever seen any sort of testing for Mad Cow Disease performed on any of these cattle.

I currently work at a small "cow kill." 98-100% of the cattle we slaughter are over 30 months old. We kill between 300 and 400 head per day, and on average, one per day is a downer. In the month and a half before Mad Cow Disease was first found in the United States, we killed a number of downers that were Holsteins - the same type of cow in which the disease was found in Washington.

The symptoms of Mad Cow Disease are supposed to be caught during ante-mortem inspections, those done before slaughter, while the animal is still alive. Although the veterinarian at our plant typically does the ante mortem inspection on all animals, it is not always necessary. Inspectors can determine that an animal is "normal" and therefore may be slaughtered without the veterinarian having to confirm this decision. Veterinarians do have to inspect all animals that we determine are abnormal. FSIS trained me to perform this function but never provided any detailed and specific training on spotting Mad Cow Disease. Prior to news reports when the disease was found in this country, the only videotape I had ever seen of an animal with the disease was on PBS when Mad Cow was found in Britain.

The agency recently announced that suspect cattle heads must be condemned to isolate brain tissue from the rest of the food, while the cattle are being slaughtered. Brain tissue is a "Specified Risk Material" (SRM) that must be kept out of the food supply, because it can be so dangerous if the disease is actually present. But what about the spinal chord tissue that can become dislodged when we cut through the vertebral column with the split saw? It's like using a wood saw - whatever you cut through that's lodged in the wood gets mixed with the sawdust being created. At slaughter, you get a mix of bone dust, fat, blood and possibly, spinal chord. After that, the carcass goes through a carcass wash, which spreads this dust down over the carcass. The high-pressure nozzles can also force some of the contamination from the outside of the carcass into the red meat and fat. The agency tells us to focus on the SRM's and not worry about the prions. I think the possibility of abnormal prions being there is pretty slim, but you never know.

Since the agency has announced the new reforms, they are hedging bets on exactly how they should be enforced. That traditionally is how so-called public health reforms have degenerated into false advertising. For example, recently they recently told us that, occasionally, if an animal goes down after it is passed by the veterinarian the plant may slaughter it if it can be determined that the animal slipped and caused an acute injury that is identifiable to the veterinarian.

Another member informed me of the following:

association to BSE.) On many other occasions, the carcass would remain under U.S. Retention until FSIS residue test results were confirmed, and the head condemned. (Residue tests simply indicate whether the animal had drugs in its system at the time of slaughter.) There were no BSE tests performed on these animals. On many occasions the carcass and parts would be inspected and condemned and/or inspected and passed by the FSIS veterinarian, also with no BSE testing being done.

The final decision to allow the downed carcass or parts to pass for human food or to be condemned remains solely to the FSIS veterinarian, most often without any testing for BSE.

Several inspectors have also recently identified to me the following concerns:

In our plant we frequently have ante-mortem inspections (inspecting live animals in the pens) performed by inspectors who have had little or no training to identify BSE symptoms or other signs of illness.

Several inspectors have also recently identified to me the following concerns:

I am concerned that the plant I work at is still allowed to save beef tails as human food. It would seem that the tails could possibly contain spinal cord tissue, yet there has been no restriction placed on the harvesting of beef tails.

In conclusion, after listening to the concerns of the inspectors, and what I know from first hand knowledge and experience indicates that many of us are not entirely convinced that our agency is doing all that it could be to ensure that animals with the potential to have BSE are being identified and tested for BSE prior to being allowed to enter into the food supply for distribution to consumers.

I have worked in cow/bull slaughtering beef plants for a number of years as a USDA FSIS inspector. Cows and bulls are typically over 30 months of age. While working on the slaughter line performing post mortem inspection procedures to identify pathology and/or contamination I have seen and heard company supervisors rush to the FSIS Veterinarian to come to the cattle pens outside the plant or the single file inside the plant. The single file is the narrow chute the cattle are moved through on their way to slaughter. They move through this chute in a single file manner. The supervisors would say with excitement "Doc, we've got one down in the single file, can you come look at it? This occurred many times where a cow or a bull lined up for slaughter prior to the knocking box (stunning area) would fall down for unknown reasons, and could not get up. Because once an animal is down, the veterinarian must examine and approve it for slaughter the company supervisors would request permission to stun the ailing cattle. The veterinarian would make the decision in most cases to allow the cattle to be stunned.

Sometimes while performing inspection duties, I would see a live ailing animal that could not walk under its own strength dragged into the stunning area with a hoist and cable wrapped around its leg so the company could avoid lost production time. This is a common practice in beef slaughtering plants.

Sometimes, but not all times, the FSIS veterinarian would place U.S. Retained tags on the carcass for further examination. As inspectors we see the U.S. Retained tags, as the carcass would enter the inspection area after stunning/bleeding/skinning, and evisceration. Post Mortem inspection was performed on the carcass and parts by online FSIS inspectors, and the carcass and parts are segregated for further examination for the FSIS veterinarian.

I would see the FSIS veterinarian perform carcass dispositions. On many occasions, I would see the parts of the carcass, e.g. the hind leg, or front shoulder removed, and the remaining carcass parts passed for human food. On many occasions the entire carcass would be passed for human food, and the head condemned. (The head would be condemned as a precaution, because of the brain being an edible product, and its known

I have read the foregoing six (6) page statement, and declare, that it is true, accurate and complete to the best of my knowledge and belief.

Executed on January 14, 2004.

Frank J. Benhor

(Affiant's Name)

Subscribed and sworn to before me

This 14<sup>th</sup> day of January, 2004.

Amy Segebart

Notary Public

My commission expires on: 5-19-04

