Testimony on SB 785 a Bill Relating to Protecting Antibiotics for Human Public Health
Before the Oregon Senate Committee on Health Care
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Thank you for the opportunity to present testimony today in support of SB 785 with the -1 amendments, a Bill Relating to Protecting Antibiotics for Human Public Health. My name is Michael Hansen and I am Senior Scientist at Consumers Union, the policy and mobilization arm of *Consumer Reports*,[1] located in Yonkers, NY. We believe antibiotic resistance is one of the most important public health problems today, that use of antibiotics in animal agriculture contributes significantly to the problem, and that animal use must be reduced to reduce the threat of antibiotic-resistant disease. The federal government has failed to address this problem in an effective way. It therefore falls to Oregon to act. For these reasons, we strongly support SB 785 with the -1 amendments, which we believe will protect the health of both Oregonians and consumers elsewhere.

Antibiotic Use Poses Health Threat

The overuse and misuse of antibiotics in human medicine and agriculture has led to a public health threat of global significance. A UK study found that by 2050, unless action is taken, antibiotic resistant infections will kill more people than cancer.[2] In the U.S., the Centers for Disease Control and Prevention (CDC) notes that antibiotic resistance costs the U.S. economy up to $55 billion, results in over 2 million illnesses, and leads to over 23,000 deaths annually.[3] Many people are surprised to learn, however, that agriculture, rather than human medicine, is the primary user of antibiotics in the US, with more than 70% of all medically important antibiotics sold in 2011 used in agriculture.[4] In fact, use of medically important antimicrobials in animal production is actually rising; US Food and Drug Administration (FDA)

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[1] Consumers Union is the policy and mobilization arm of Consumer Reports. Consumers Union is an expert, independent, nonprofit organization whose mission is to work for a fair, just, and safe marketplace for all consumers and to empower consumers to protect themselves. It conducts this work in the areas of food and product safety, telecommunications reform, health reform, financial reform, and other areas. Consumer Reports is the world's largest independent product-testing organization. Using more than 50 labs, auto test center, and survey research center, the nonprofit organization rates thousands of products and services annually. Founded in 1936, Consumer Reports has over 7 million subscribers to its magazine, website, and other publications.

[2] O'Neil, J. 2014. Antimicrobial Resistance: Tackling a crisis for the health and wealth of nations. At: https://amr-review.org/sites/default/files/AMR%20Review%20Paper%20-%20Tackling%20a%20crisis%20for%20the%20health%20and%20wealth%20of%20nations_1.pdf

[3] Center for Disease Control and Prevention (CDC). 2014. Antibiotic Resistance Threats in the United States 2013. At: https://www.cdc.gov/drugresistance/threat-report-2013/

[4] Calculated from data in Table 1(human use) of https://www.fda.gov/downloads/Drugs/DrugSafety/InformationbyDrugClass/UCM319435.pdf and data in Table 10 (animal use) of FDA 2016a. *Op cit*.

data show that sales increased by some 26% between 2009 and 2015, going from 7,686,564 to 9,701,978 kilograms.[5]

Antibiotics are used in animals to promote growth and prevent disease, often in crowded factory farming conditions. This use helps create superbugs— bacteria resistant to three or more classes of antibiotics—that infect people via meat and poultry and via other routes. *Consumer Reports* has tested ground beef, chicken and ground turkey and found superbugs in every case, ranging from 14% of beef to 83% of turkey. We also found that where animals were raised without antibiotics (either no antibiotics, organic, or grass fed) there was less contamination with "super bugs," sometimes significantly so. When superbugs are present in food, they not only can cause illness, but that illness becomes much more difficult to cure.[6]

Consumers Union is not opposed to using antibiotics on animals to treat disease—as we do with humans. But we believe antibiotics should not be given to food animals on an everyday basis to promote growth or prevent disease. To preserve the effectiveness of antibiotics for human medicine, antibiotic use in animals to promote growth or prevent disease should be prohibited.

FDA Action is Inadequate and Ineffective

Unfortunately, the FDA has taken only limited partial steps to reduce use in animals. The FDA's main response to addressing the problem of antimicrobial resistance are Guidance for Industry #209 The Judicious Use of Medically Important Antimicrobial Drugs in Food-Producing Animals,[7] issued in 2012 and Guidance #213 New Animal Drugs and New Animal Drug Combination Products Administered in or on Medicated Feed or Drinking Water of Food Producing Animals: Recommendations for Drug Sponsors for Voluntarily Aligning Product Use Conditions with GFI #209, originally issued in 2013.[8] These Guidances recommended that drug companies change the labels on medically important animal antibiotic products by January 2017 so they are no longer indicated for growth promotion, and the companies complied with that recommendation. FDA also issued regulations requiring that, beginning in 2017, all medically important antimicrobials would no longer be available over-the-counter; rather, they would only be available through a veterinarian, either via a prescription or a veterinary feed directive.[9] However, FDA still allows the drugs to be used on healthy food animals for disease prevention. The FDA Guidances, and associated regulation, require a veterinarian's oversight for preventive

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[5] Food and Drug Administration (FDA). 2016a. 2015 Summary Report on Antimicrobials Sold or Distributed for Use in Food-Producing Animals. At: https://www.fda.gov/downloads/ForIndustry/UserFees/AnimalDrugUserFeeActADUFA/UCM534243.pdf

[6] Consumer Reports. 2016. Making the World Safe from Superbugs. January 2016 issue of *Consumer Reports*

[7] FDA. 2012. The Judicious Use of Medically Important Antimicrobial Drugs in Food-Producing Animals. At: https://www.fda.gov/downloads/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/UCM216936.pdf

[8] FDA. 2013. New Animal Drugs and New Animal Drug Combination Products Administered in or on Medicated Feed or Drinking Water of Food Producing Animals: Recommendations for Drug Sponsors for Voluntarily Aligning Product Use Conditions with GFI #209. At: https://www.fda.gov/downloads/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/UCM299624.pdf

[9] FDA. 2016b. FDA Reminds Retail Establishments of Upcoming Changes to the Use of Antibiotics in Food Animals. At: https://www.fda.gov/AnimalVeterinary/NewsEvents/CVMUpdates/ucm507355.htm

use, but that use can go on for a long time, in some cases for virtually a food animal's whole life. Disease prevention entails treating whole herds or flocks, even in the absence of disease, which we oppose. We believe that antibiotics should only be used to treat a diagnosed sick animal or as a temporary, time-limited measure to control spread of a specific disease that has been identified in the herd or flock. Only in this way can we control the development and spread of resistant superbugs.

FDA's action to curtail use of medically important antibiotics for growth promotion, while still allowing antibiotics for disease prevention, is inadequate and ineffective. Disease prevention is by far the bigger category of use. Data are hard to come by, but according to an Institute of Medicine report, in 1985, 64% (or 5.258 million kg) of animal antibiotics were used for disease prevention, 24% (2.046 million kg) for growth promotion and 12% (1.012 million kg) to cure disease.[10] In other words, two-third of animal antibiotic use is for prevention. Clearly it is not enough simply to prohibit use of medically important antibiotic for growth promotion, as FDA has done, while allowing use on healthy animals on a routine basis to prevent disease. We don't do that with people, and we must not do it with animals if we want any hope of limiting the proliferation of antibiotic resistant superbugs.

The inadequacy of FDA's approach to antimicrobial resistance is also confirmed by sales data. Sales of medically important antibiotics for use in food-producing animals increased 26% between 2009 and 2015.[11] Sales still increased, by 2%, between 2014 and 2015, even after promulgation of FDA's Guidances. While this is discouraging, it is not surprising, since use of antimicrobials for disease prevention represents the bulk of antimicrobial use in animals, and FDA has not prohibited preventive use.

Consumers Union Urges Yes on SB 785 with -1 amendment

We therefore urge Oregon to step in and act on this critical problem by passing SB 785 with the -1 amendments. SB 785 would achieve a significant reduction in antimicrobial use in animal agriculture in Oregon, since it prohibits use of medically important antimicrobial for routine disease prevention as well as growth promotion purposes, and only allows antibiotics to be used to treat sick animals or control disease that are present on a facility, or in certain other very limited circumstances. Also vitally important is the fact that the bill requires large confined animal feeding operations (CAFOs) to report their use of medically important antimicrobials. Reporting on amounts, as well as the purposes for which antibiotics are used, is needed to order to properly track usage declines. Passing this bill will be an important benefit to Oregon consumers and communities, and will make an important contribution to addressing antibiotic resistance nationally. Consumers Union therefore urges a yes vote on SB 785 with the -1 amendments.

[10] Institute of Medicine (IOM). 1988. Human Health Risks with the Subtherapeutic Use of Penicillin or Tetracyclines in Animal Feed. National Academies Press. Washington, D.C. At: https://www.nap.edu/read/19030/chapter/1

[11] FDA. 2016a. *Op cit.*