



TESTIMONY

Senate Committee on Health Care

Monday, April 6, 2015

Oregon Farm Bureau Opposes SB 920

Oregon Farm Bureau (OFB) is the state's largest general agriculture organization, representing over 7,000 farming and ranching families and 60,000 members statewide. OFB's diverse membership includes farms and ranches of all sizes, commodities, and production methods.

Oregon's farmers and ranchers care about the welfare of their animals; healthy animals mean healthy food. However, Farm Bureau opposes SB 920, which would "eliminate the use of medically important antibiotics in food-producing animals for nontherapeutic purposes." SB 920 is duplicative and contradictory to actions underway at the federal level to address the use of antibiotics in livestock and poultry and places farmers at risk of unnecessary lawsuits.

The federal government is addressing this issue

SB 920 ignores significant action by the U.S. Food and Drug Administration (FDA) to address the use of antibiotics in food animals. Animal pharmaceuticals are regulated under FDA's label approval process, which governs the use of antibiotics, including dosage, duration of use, and targeted disease or pathogen. In December 2013, FDA issued guidance document #213, promoting the judicious use of antibiotics in food animals. This strategy includes changing the FDA-approved label to remove production uses (i.e. growth enhancement or feed efficiency) and bring the remaining therapeutic uses—disease treatment, control, and prevention—under veterinary oversight. This effort will conclude in December 2016 with collaboration and cooperation from the animal pharmaceutical industry, animal producers, and the veterinary community.

Bill language is not consistent with federal law

SB 920 uses language that is inconsistent with the current federal regulatory structure. FDA approves the use of antibiotics in food animals for both "therapeutic" and "nontherapeutic" uses. Under federal law, "therapeutic" uses include disease treatment, control, and prevention, and must target a specific disease or bacteria. In contrast, SB 920 defines "disease prevention" as a "nontherapeutic" use of antibiotics in food

animals. This is contradictory to the federal definition as used on FDA-approved labels, creating an uncertain and potentially conflicting regulatory scheme for Oregon producers.

Additionally, Farm Bureau is concerned that the enforcement of Section 4(3) of SB 920 could cause livestock or poultry producers to be faced with the choice of either violating state law or violating federal law. The duration of use is typically mandated on the FDA-approved label, and producers and veterinarians are bound by the federal label for the use of antibiotics in food animals. To the extent that Section 4(3) would mandate a shorter time of use than the federally approved label, producers would be placed in the unenviable position of choosing whether to violate state law or violate federal law. We should not require producers to be put in this difficult position.

Citizen suits are an unsuitable enforcement tool

SB 920 includes a provision in Section 6 to allow private parties to sue farmers if they believe that the use of antibiotics in food animals by a rancher or farmer is unwarranted. This provision is biased against farmers, allowing plaintiffs to recover costs if they win but disallowing farmer defendants from recovering costs whether they win or lose. This citizen suit provision encourages nuisance lawsuits against farmers, bringing private citizens into a heavily federally regulated arena, further clogging the state's backlogged court system, and increasing the cost of food production for Oregon farmers and ranchers. The risk of citizen suits is significant for SB 920, which contains several broad provisions that invite litigation and court interpretation of their terms as well as conflicting requirements within the bill. Oregon's agricultural producers operate on tight margins, and the threat of baseless lawsuits would significantly impact their ability to operate with certainty in Oregon.

State-specific regulations reduce farmer competitiveness

OFB strongly opposes SB 920 and similar legislation that creates an uneven playing field for Oregon's agricultural producers. Approximately 80% of Oregon agricultural products are exported by farmers and ranchers who compete in both national and international markets. SB 920 would impose regulations on Oregon agriculture that surpass federal requirements and would put Oregon's family farmers and ranchers at a competitive disadvantage compared to our neighbors.

Farm Bureau supports maintaining FDA as the lead agency to establish standards for antibiotic use in livestock and poultry instead of regulating antibiotic use on a state-by-state basis. By creating a different set of standards for antibiotic use in Oregon, SB 920 would put Oregon's family farmers and ranchers (of all sizes) at risk of frivolous lawsuits, disrupt ongoing federal efforts to address this issue, and increase costs for producers in Oregon.

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