United States Senate
WASHINGTON, DC 20510

July 28, 2014

Dr. Margaret Hamburg
Commissioner
U.S. Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Commissioner Hamburg,

We are writing with regard to the growing public health threat of antibiotic resistant bacteria. We are pleased that the Food and Drug Administration (FDA) has taken an important first step to address how the overuse of antibiotics in food animal production contributes to antibiotic resistance, but we remain concerned that the FDA's recently released policies do not go far enough. We seek additional information about how the FDA plans to evaluate whether these new policies are successful in curbing the overuse of antibiotics in food animal production and what additional actions FDA plans to take if this overuse continues.

The Centers for Disease Control (CDC) estimates that two million people develop antibiotic-resistant infections in the United States every year, resulting in at least 23,000 deaths and costing our healthcare system more than $20 billion annually.[1] According to the CDC, multi-strain resistance to many critical antibiotics is increasing and the World Health Organization's recent global report on antibiotic resistance declared that antibiotic resistance "is now a major threat to public health."[2] The CDC and the World Health Organization have also both sounded the alarm about how the use of antibiotics in food animals can produce resistant strains of bacteria that subsequently spread to humans through airborne infections and contaminated food. In fact, new CDC data show that antibiotic-resistant bacteria from contaminated food cause roughly 430,000 illnesses in the United States each year.[3] These findings are especially troubling given that four times as many antibiotics are used in food animal production as are used in human medicine.[4]

It is clear from the FDA's recent actions and previous statements that we are in agreement: the use of antibiotics in food-producing animals must be reduced as part of the effort to preserve the efficacy of antibiotics.[5] Research has shown that antibiotic resistant bacteria are most likely to develop when antibiotics are used continuously at low doses – the type of regimen used frequently in food animal production.

Antibiotics are given to food animals for a variety of reasons, including to treat sick animals, to contain or prevent diseases, or to promote faster animal growth. The FDA's recently released guidance documents (#209 and #213) establish that using antibiotics for growth promotion is not appropriate and call for pharmaceutical companies to voluntarily remove those uses from their product labels. In addition, a recently proposed rule on Veterinary Feed Directives (VFDs) would require producers to obtain a prescription-like document from their veterinarians in order to acquire nearly all antibiotics. While these new policies are important first steps, we remain concerned that they may not be sufficient to effectively curtail the routine use of dangerously low doses of antibiotics for the duration of an animal's life.

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[1] CDC, *Antibiotic Resistance Threats in the United States, 2013.*
[2] WHO, *Antimicrobial resistance: global report on surveillance, 2014.*
[3] CDC, *Press Release: Antibiotic resistance in foodborne germs is an ongoing threat.* Jul. 1 2014.
[4] The Pew Charitable Trusts, *Record-High Antibiotic Sales for Meat and Poultry Production, 2011*
[5] FDA, *Guidance for Industry #152: Evaluating the Safety of Antimicrobial New Animal Drugs with Regard to their Microbiological Effects on Bacteria of Human Health Concern.* Oct. 23 2003.

We are pleased that all animal pharmaceutical companies have agreed to comply with guidance documents #209 and #213, effectively ending the use of antibiotics for growth promotion. We remain concerned, however, that many of the remaining approved uses of antibiotics to contain and prevent diseases are not strictly defined, and still allow for the continuous administration of low doses of antibiotics. For example, approved uses to prevent or contain disease "in times of stress," or in asymptomatic animals at locations that simply have a history of a disease will remain on the market.[6] In addition, many approved prevention and containment regimens call for nearly identical dosages as the recently eliminated growth promotion regimens and fail to impose practical time limits on usage, in some cases allowing for the use of low-dose antibiotics "until market weight" is reached."[7]

Likewise, requiring veterinary oversight of antibiotic use in food animals is a key step to curbing inappropriate antibiotic use. Oversight by veterinarians alone, however, will not solve the problem if the FDA continues to approve antibiotics regimens that allow for continuous, low-dose use to prevent and contain disease.

We appreciate FDA's willingness to begin addressing this issue and look forward to continuing to work with your agency on this problem. To better understand how FDA plans to implement the recently released policies in guidance documents #209 and #213 and the proposed VFD rule, we request that you respond to the following questions and provide any relevant information by September 8, 2014.

1. How do you intend to determine whether the non-judicious use of antibiotics in food animal production materially declines as a consequence of guidance documents #209 and #213, or simply continues under disease prevention or containment labels?
2. If no change in overall usage is observed, what steps will the FDA take to address the public health threat of antibiotic overuse in food animal production?
3. What actions does the FDA plan to take to make sure that approved labeling indications do not pose the same risks of fostering resistance as the production uses that are being voluntarily phased out in response to guidance documents #209 and #213?
4. What is your plan for completing inspections of facilities to ensure proper collection and enforcement of VFDs? What, if any, additional resources or authorities are needed?
5. How do you plan to collect and compile data from the VFDs to better track how specific antibiotics are being used in different types of animals?

The science is clear – bacterial resistance is an inevitable consequence of antibiotic use. Continuing to overuse antibiotics on healthy animals will only speed up that process. We appreciate your commitment to addressing this growing public health problem and your work to eliminate the use of antibiotics for growth promotion. The benefits of this change will be negligible, however, if the same animals can continue receiving the same antibiotics at the same doses. We look forward to your response and to continuing to work closely with you on this critical issue.

Sincerely,

Elizabeth Warren
U.S. Senator

Dianne Feinstein
U.S. Senator

Kirsten E. Gillibrand
U.S. Senator

[6] FDA Center for Veterinary Medicine, FDA Approved Animal Drug Products. "NADA Number: 138-934 – Pennchlor SP 500, Pennchlor SP 250" www.accessdata.fda.gov/scripts/animaldrugsatfda/details.cfm?dn=138-934; "NADA Number: 091-513 – Stafac ® www.accessdata.fda.gov/scripts/animaldrugsatfda/details.cfm?dn=091-513.

[7] FDA Center for Veterinary Medicine, FDA Approved Animal Drug Products. "NADA Number: 138-934 – Pennchlor SP 500, Pennchlor SP 250"; "NADA Number: 138-187 – Tylan® 10 Premix, Tylan® 100 Premix, Tylan® 40 Premix www.accessdata.fda.gov/scripts/animaldrugsatfda/details.cfm?dn=138-187.