United States Senate
WASHINGTON, DC 20510

August 17, 2015

Secretary Sylvia Burwell
U.S. Department of Health and Human Services
200 Independence Avenue
Washington, DC 20201

Secretary Tom Vilsack
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250

Secretary Ash Carter
U.S. Department of Defense
1300 Defense Pentagon
Washington, DC 20301

Dear Secretaries Burwell, Vilsack, and Carter:

We write to express our concern that you have not responded to our letter dated December 15th, 2014 regarding the implementation of President Obama's Executive Order "*Combating Antibiotic-Resistant Bacteria.*" We are extremely disappointed that we have not received a formal response from your office, as we requested that your agencies respond no later than January 15th, 2015. We also write to request that experts who understand the link between the overuse of antibiotics in agriculture and public health, and who do not have a conflicting business interest, be represented on the Presidential Advisory Council on Combatting Antibiotic-Resistant Bacteria.

Antibiotic-resistant bacteria present a major public health threat and public health experts agree that antibiotic resistance stems not only from antibiotic use in human medicine, but also from use in animals. As you know, the Centers for Disease Control and Prevention (CDC) has found that antibiotic-resistant bacteria from contaminated food cause more than 400,000 infections in the United States each year, and that antibiotic-resistant bacteria in general cause at least two million illnesses and 23,000 deaths in the United States each year.[1] Antibiotic resistant bacteria are most likely to develop when low doses of antibiotics are administered continuously – the type of regimen used frequently in food animals to promote faster animal growth and contain and prevent disease. Of the millions of pounds of medically important antibiotics sold each year, nearly 75 percent are used in food animal production.[2]

In our previous letter we asked a number of questions about the Food and Drug Administration's (FDA) current policies to address the overuse of antibiotics in animals and how your individual agencies and the Task Force on Combatting Antibiotic-Resistant Bacteria – which you jointly chair – plan to address gaps in enforcement, data collection, and policy evaluation in FDA's policies. While we appreciate that your staff has engaged with our offices, our questions have yet

[1] CDC, *Antibiotic resistance in foodborne germs is an ongoing threat.* Jul. 1 2014. Exec. Order No. 13676. 79 FR 56931 (September 18, 2014), "Combating Antibiotic-Resistant Bacteria."
[2] The Pew Charitable Trusts, *Record-High Antibiotic Sales for Meat and Poultry Production, 2011*

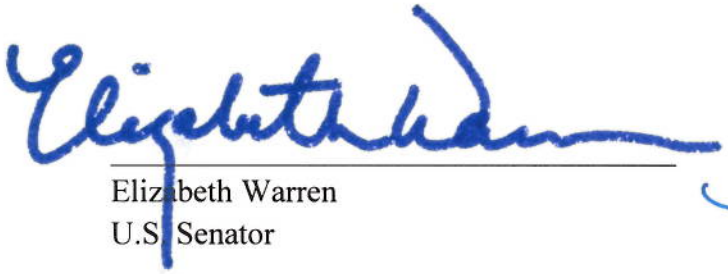
to be answered, and there is no substitute for a formal response. We request that you reply to our December 15, 2014 letter within 30 days.

We understand that the Department of Health and Human Services is currently reviewing nominations to fill 30 seats on the Presidential Advisory Council on Combatting Antibiotic-Resistant Bacteria, charged with supporting the implementation of the President Obama's executive order. Policies to curb the routine use of antibiotics in animals are an important component of the executive order. For that reason, we believe that least three members of the Advisory Council should be experts on the link between antibiotic use in animals and the development of antibiotic resistance without a conflicting business interest.

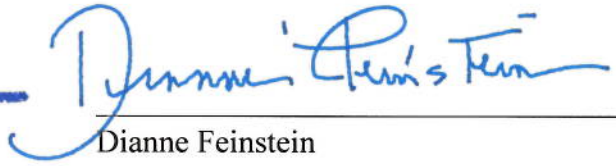
As we noted in our December 2014 letter, representatives from industrial animal producers associations and the veterinary drug industry have publically voiced doubts about the need to reduce antibiotic use in animals and about the impact that the FDA's policies will have on the amount of drugs used.[3] However, public health experts agree that the use of antibiotics in animal agriculture is a critical contributor to antibiotic resistance. These experts need to have a seat at the table. We have been made aware that a number of strong candidates have been nominated, and ask that you appoint at least three experts on antibiotic use in animals who do not have a conflicting business interest to the Advisory Council.

We appreciate your consideration of this letter as you finalize appointments to the Advisory Council. We also look forward to receiving your response to our December 2014 letter within 30 days.

Sincerely,



Elizabeth Warren
U.S. Senator



Dianne Feinstein
U.S. Senator

Kirsten E. Gillibrand
U.S. Senator

[3] Christine Hoang, American Veterinary Medical Association (AVMA), on "The Trouble with Antibiotics," PBS Frontline, October 2014; AVMA Antimicrobial Use and Antimicrobial Resistance FAQ; Ron Philips, Animal Health Institute, in Flynn, Dan (27 May 2011) "Ag Coalition Says Antibiotic Facts are on Its Side." *Food Safety News*; Coalition letter to David Hoffman, PBS Frontline Producer, August 2014; Juan Ramon Alaix, Zoetis in Loftus, Peter. (2013 Nov. 19). Zoetis Chief Leads Animal-Health Firm Following Split from Pfizer. *The Wall Street Journal*.