

Animal Welfare Advocacy
P.O. Box 737
Mamaroneck, NY 10543
(914) 381-6177
(914) 381-6176 (f)

December 21, 2004

VIA E-MAIL TRANSMISSION
Food and Drug Administration
Division of Dockets Management
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

RE: Docket Numbers 1996P-0418, 1997P-0197, 1998P-0203 and 2000N-0504

To Whom It May Concern:

Animal Welfare Advocacy (AWA), a non-profit organization located in Mamaroneck, New York, appreciates the opportunity to submit comments on the U.S. Food and Drug Administration's (FDA) proposed rule for the prevention of Salmonella Enteritidis (SE) in shell eggs during production. In the interest of human health, food safety and animal welfare, AWA encourages the FDA to include in the proposal the elimination of forced molting of laying birds. The practice of withholding food from laying birds for days and weeks at a time is not only exceptionally cruel and inhumane, but has been shown to stress the immune function of chickens so severely as to promote SE contamination in shell eggs and egg products.

**I FORCED MOLTING PROMOTES SALMONELLA ENTERITIDIS
INFECTION AND THE SPREAD OF OTHER DISEASES**

Forced molting is a common practice of egg farmers in the United States. Of the 240 million hens in production each year in the U.S., between 144 and 168 million birds undergo forced molting at least once and some more often.¹ Forced molting is a practice by which food and water are deliberately withheld from a laying hen for between 5 and 14 days in order to shock their system into a new egg laying cycle.

Noted researchers in the field of poultry science have presented unequivocal evidence of the link between forced molting and SE infection. In a symposium on induced molting published in the June 2003 edition of *Poultry Science*, the introductory article begins by stating that "molting by feed deprivation has been identified by researchers and public health authorities as a significant risk factor in the infection of laying flocks with *Salmonella enteritidis*, the most important pathogen inside eggs [and] known to be

¹ Holt, P.S., 2003. Molting and Salmonella Enterica Serovar Enteritidis Infection: The Problem and Some Solutions. *Poultry Science*, 82:1008-1010.

transmitted to humans.”² The findings in these studies provide the scientific foundation upon which the FDA must base its decision to eliminate the practice of forced molting

The U.S. Department of Agriculture immunologist Peter S. Holt reported in his study that “molted hens were 100-1,000 fold more susceptible to infection by SE and therefore more readily able to transmit the organism to uninfected hens in neighboring cages.”³ Under natural conditions, hens spend 60% to 90% of their day foraging for food. When these normally active birds are starved in their cages for days or weeks at a time, their immune systems are so weakened by stress and lack of nutrients that *Salmonella* organisms invade the gastrointestinal tract and proceed “with invasion of the spleen and liver.”⁴

The General Accounting Office Report to the U.S. Senate in 1999 on Food Safety states “[R]esearch at Pennsylvania egg producers during the early 1990’s identified several factors that may increase bacterial levels and chicken contamination. These factors include heavy rodent populations, older flocks, and forced molting.”⁵ Given these findings, it is beguiling that the FDA proposes to pass an \$82 million regulation to reduce the occurrence of SE infections in eggs without including as a top priority the elimination of forced molting.

II RELEVANCY OF HUMANE STANDARDS

There is not a single federal law in the United States to protect poultry from the most outrageous forms of abuse. Egg producers cram chickens into cages so densely packed that they cannot assume a single normal body posture. Forced-molted hens are driven to pluck and consume the feathers of adjacent hens in a desperate effort to satisfy their hunger. Feathers can become contaminated with salmonella and remain contaminated for long periods.⁶ The spread of the disease is then increased by contaminated-feather consumption.⁷ The stress and pain of being simultaneously plucked and starved further encourages the growth and transmission of SE due to the added assault on the immune system.⁸

The goal of the FDA’s proposal is to improve egg safety. Measures that take into consideration animal welfare will only serve to facilitate that goal. In July 2004, the American Veterinary Medical Association (AVMA), the nation’s largest association of

² R.K. Gast and S.C. Ricke. 2003. Symposium: Current and Future Prospects for Induced Molting in Laying Hens: Introduction; *Poultry Science*, 82:964.

³ See Holt, *supra* note 1, at 1008.

⁴ Ricke, S.C. 2003. The Gastrointestinal Tract Ecology of *Salmonella* Enteritidis Colonization in Molting Hens *Poultry Science*, 82:1003.

⁵ General Accounting Office Report to the Honorable Richard J. Durbin, U.S. Senate, July 1999, on Food Safety. U.S. Lacks a Consistent Farm-to-Table Approach to Egg Safety (GAO/RCED-99-184) p. 25.

⁶ Holt, P.S. 1995 Horizontal transmission of *Salmonella* Enteritidis in Molted and Unmolted laying chickens. *Avian Diseases* 39:239-249.

⁷ Id.

⁸ Id.

veterinarians, adopted a resolution addressing the practice of forced molting. The resolution states that special attention should be paid to flock health, mortality and bird weight and specifically held that *neither water nor food should be withdrawn* from the laying hens. (emphasis added).

Moreover, the treatment of animals has been a growing interest to the American public.⁹ United Egg Producers, Inc (UEP) responded to these concerns by instituting an “animal care certified” certification program to be used by producers in labeling and advertising throughout the U.S. However, the National Advertising Division of the Council of Better Business Bureau found that the UEP’s “animal care certified” label was misleading and should be discontinued or modified because it implied that producers treat animals humanely, when in fact they still engage in inhumane practices such as debeaking and forced molting via food withdrawal.¹⁰ Even the McDonald’s Corporation (which buys more than 1 billion eggs each year) made a policy decision in 2000 to stop purchasing eggs laid by molted hens.¹¹

III. CONCLUSION

For all of the aforementioned reasons, it is clear that the FDA has a responsibility to include the elimination of forced molting in the proposed regulation to prevent SE contamination of shell eggs during production.

Thank you for your time and consideration in this matter.

Very Truly Yours,

Lydia S. Antoncic, Esq.
Executive Director

⁹ A Gallup poll on animal rights in May 2003 found that Americans, 62% to 35% support passing strict laws concerning the treatment of farmed animals. See <http://lists.envirolink.org/pipermail/ar-news/Week-of-Mon-20031117/011012.html>.

¹⁰ A copy of this decision is on file at the offices of Animal Welfare Advocacy and can be provided upon request.

¹¹ See Gast and Ricke, *supra* note 2 at 964.