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FDA Not Required to Ban Industry Misuse of Antibiotics in Food Animals, Appeals Court Rules

Sanctions FDA's Inaction in Fight against Deadly Antibiotic-Resistant Superbugs

NEW YORK, NY – The U.S. Second Circuit Court of Appeals [ruled today](#) that the U.S. Food and Drug Administration (FDA) is not required to ban the regular feeding of antibiotics to food animals that are not sick – a practice that FDA's own scientific data has shown contributes to the rise of dangerous “superbugs,” threatening the effectiveness of medicines essential to human health. Today's ruling, on a 2-1 vote with Chief Judge Katzman dissenting, overturns two district court rulings issued in New York in March and June of 2012.

The original 2011 lawsuit, which was brought by the Natural Resources Defense Council (NRDC) with its partners Center for Science in the Public Interest (CSPI), Food Animal Concerns Trust (FACT), Public Citizen, and Union of Concerned Scientists led to decisions directing the FDA to stop the routine use of certain antibiotics in healthy animals unless drug manufacturers prove the safety of such use and to evaluate the safety for human health of using other antibiotics in animal feed in light of the scientific evidence. The majority of the plaintiff groups are members of [Keep Antibiotics Working](#) (KAW), a coalition of health, consumer, agricultural, environmental, animal welfare, and other advocacy groups dedicated to ending the inappropriate use of antibiotics in food animals.

“We can no longer afford to rely on voluntary policies or half-measures to address the crisis of antibiotic resistance. The court has done consumers a serious disservice by failing to order the FDA to ban the overuse of antibiotics on the farm,” said David Wallinga, MD, a physician on the Keep Antibiotics Working steering committee. “Although this decision is a setback, we will not give up the fight. We will continue to work with our partners in the health, consumer, environmental and scientific communities and with champions on the Hill to address this problem in a meaningful way – our future health and the health of our children depends on it.”

While the FDA has authority to control how antibiotics are used in food animals and has acknowledged that food animal use contributes to the antibiotic resistance crisis, the agency has failed to take any steps that will lead to significant reductions in antibiotic overuse, and has failed to collect needed information on how antibiotics are used on the farm.

With such ineffective leadership on the part of the FDA, stronger Congressional action is essential, which is why KAW has been advocating for swift action on the Preventing Antibiotic Resistance Act (PARA), introduced last year in the Senate, and its companion bill in the House, the Preservation of Antibiotics for Medical Treatment Act (PAMTA). The bills would help curb routine antibiotic misuse on the farm by requiring the FDA to phase out the use of medically important antibiotics in food animals that are not sick unless such use is shown to be safe.

Another important bill pending in Congress, the Delivering Antimicrobial Transparency in Animals (DATA) Act, would direct FDA to enhance its collection and reporting on antibiotic use in food animals. These pieces of legislation all face an uphill battle against the deep pockets of the agricultural and pharmaceutical lobbies.

Additional background:

Today, over 70 percent of medically important antibiotics in the United States are sold for use in livestock production - not humans. Since FDA first recognized the risks of giving low doses of antibiotics in animal feed day after day, nearly four decades ago, the science on the risks of such use has only gotten stronger.

[Leading health groups, medical doctors and other scientists](#) from the American Academy of Pediatrics to Infectious Disease Society of America have sounded the alarm, stating that “overuse and misuse of important antibiotics in food animals must end, in order to protect human health.” These groups and others, including the Centers for Disease Control and the World Health Organization, warn that the indiscriminate overuse and misuse of antibiotics in animals that don’t need them can create unstoppable drug-resistant “superbugs” capable of infecting humans. Antibiotic resistance in humans has indeed reached a crisis point, threatening the viability of many life-saving drugs.

A 2013 U.S. Centers for Disease Control and Prevention (CDC) [Antibiotic Resistance Threats report](#) recently estimated that at least 23,000 Americans die each year from drug resistant infections. Both human and animal uses of antibiotics contribute to the problem. CDC has confirmed the link between antibiotic use on industrial farms and the rise of antibiotic resistance, saying that there is “strong scientific evidence of a link between antibiotic use in food animals and antibiotic resistance in humans,” and warns of “potentially catastrophic consequences” if resistance is not slowed.

In 1977, FDA itself concluded that feeding animals low doses of certain antibiotics used in human medicine, namely, penicillin and tetracyclines, could promote antibiotic-resistant bacteria capable of infecting people, and posed a risk to human health. Despite this, FDA has failed to take meaningful action to curb the misuse of antibiotics on animals that are not sick for over 35 years.

If you’d like to connect with members of the Keep Antibiotics Working coalition for further comment, please contact Katie Andriulli at kandriulli@mrss.com or (917) 716-5637.

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Keep Antibiotics Working (KAW) is a coalition of health, consumer, agricultural, environmental, humane, and other advocacy groups with more than 11 million supporters. Learn more at www.keepantibioticsworking.com.