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Dr. Annette Jones  
State Veterinarian and Director, Animal Health and Food Safety Services  
California Department of Food and Agriculture  
1220 N Street  
Sacramento, CA 95814

October 13, 2017

*Disclaimer: The opinions expressed herein are our own and do not necessarily reflect the views of The Johns Hopkins University.*

Re: Implementation of California Senate Bill 27

Dear Dr. Jones,

We are researchers at the Johns Hopkins Center for a Livable Future (CLF), an interdisciplinary academic center based within the Bloomberg School of Public Health in the Department of Environmental Health and Engineering. CLF engages in research, policy analysis, and education activities guided by an ecologic perspective that considers diet, food production, the environment, and public health to be interwoven elements of a complex system. We believe it is imperative that antimicrobials be used responsibly in food animal production to help slow the development of antimicrobial resistance, which has emerged as a major threat to both human and animal health. We, therefore, supported the passage of California's Senate Bill 27 (SB 27) in 2015. In particular, we applauded the provisions on data collection and limitations on the use of antibiotics for disease prevention.

Despite the initial promise of the law, early signs have arisen regarding its implementation that create concerns with regard to the original legislative intent. Given these concerns about California Department of Food and Agriculture's (CDFA) implementation of SB 27, we respectfully ask the Department to pursue the following:

1. **Data collection:** Collection of Veterinary Feed Directives (VFDs) for the year 2017 should occur in order to create a baseline profile of medically important antimicrobial drug (MIAD) use prior to the implementation of SB 27; and

2. **Address a potential “regular pattern” loophole:** Assuming our interpretation of the Department’s statement (presented on the CDFA website and specified in the following text) is correct, the regulatory approach should be modified to disallow veterinarian justification for use of MIADs in a regular pattern for disease prevention. If our interpretation is incorrect, clarity should be provided to specify that such a loophole does not exist.

The following text describes our requests in more detail and specificity.

### **Data collection**

In order to evaluate the impact and effectiveness of the law, it is critical to understand and quantitatively characterize antibiotic use before it goes into effect in January 2018. We are concerned that although SB 27 directs the collection of this baseline data, the California Department of Food and Agriculture’s efforts have thus far focused solely on assisting the industry in completing Veterinary Feed Directives (VFD). These efforts must be accompanied by the collection of VFDs as outlined by SB 27 if the law’s success in reducing antibiotic use in livestock is to be identified and measured.

### **Address a potential “regular pattern” loophole**

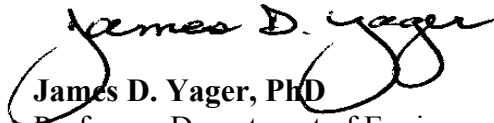
In addition, we are concerned about the Department’s interpretation of SB 27’s provisions related to the use of medically important antimicrobial drugs (MIAD) in a “regular pattern”. According to the law, MIADs may not be used in a regular pattern unless deemed necessary by a veterinarian to treat a disease or infection, control the spread of disease or infection, or in relation to surgery or a medical procedure. While the law states that MIADs may be used prophylactically to prevent disease when prescribed by a veterinarian, it does not include disease prevention as an allowable indication for use in a regular pattern.<sup>1</sup> The Department, however, presents a loophole in this prohibition by allowing the use of MIADs in a regular pattern when prescribed by a veterinarian:

*...A medically important antimicrobial drug (MIAD) can be used to prevent disease in livestock if under the professional and clinical judgment of a veterinarian there is an increased risk of developing an infection, as long as the MIAD is not given in a “regular pattern”. A few examples of “regular pattern” use may include giving MIADs solely based on the animals’ age or weight, the calendar date, or a life stage event of the animal without further justification for treatment by a licensed veterinarian within a valid veterinarian-client-patient relationship.<sup>2</sup>*

Based on the Department’s statement, their examples of regular use are permissible as long as a qualified veterinarian provides justification. This loophole would allow MIADs to be used in a regular pattern for disease prevention, and in situations unrelated to disease or infection, conditions which are prohibited under SB 27. In practice, such a broad loophole would mean a MIAD could be prescribed and used at virtually any time in the animal’s life. This is inconsistent with the intent of the legislation, and would weaken SB 27’s ability to reduce antibiotic use in livestock.

Thank you for considering our requests. We welcome the opportunity to discuss this further and answer any questions you may have. Please contact us at (410) 502-7578 or by emailing Bob Martin, Director of the Food System Policy Program, at [rmarti57@jhu.edu](mailto:rmarti57@jhu.edu).

Sincerely,



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cc: Governor Jerry Brown  
State of California

Secretary Karen Ross  
California Department of Food and Agriculture

Senator Jerry Hill  
California State Senate

## References

1. SB-27 Livestock: use of antimicrobial drugs (2015-2016). California Legislative Information. Accessed: October 9, 2017. Link: [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB27](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB27)
2. Animal Health: Antimicrobial Use (AMU). Antimicrobial Use and Stewardship. California Department of Food and Agriculture. Accessed: October 9, 2017. Link: <https://www.cdfa.ca.gov/ahfss/AUS/AnimalHealth.html>