

File No. 170763

Committee Item No. 2

Board Item No. 11

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: Sept. 27, 2017

Board of Supervisors Meeting:

Date: October 17, 2017

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance - VERSION 4 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest - VERSION 4 |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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OTHER

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Committee Presentation - September 27, 2017</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Small Business Commission Response - September 6, 2017</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral FYI - September 21, 2017</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral FYIs - July 3, 2017</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral FYIs - June 26, 2017</u> |

Prepared by: John Carroll

Date: Sept. 22, 2017

Prepared by: John Carroll

Date: October 12, 2017

1 [Environment Code - Antibiotic Use in Food Animals]

2
3 **Ordinance amending the Environment Code to require certain retailers of raw meat**
4 **and poultry to report the use of antibiotics in such products to the Department of the**
5 **Environment, and require City departments to report the use of antibiotics in raw meat**
6 **and poultry purchased by the City to the Department of the Environment.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. The Environment Code is hereby amended by adding Chapter 27, entitled
16 "Antibiotic Use in Food Animals," consisting of Sections 2701 through 2709, to read as
17 follows:

18 **CHAPTER 27: ANTIBIOTIC USE IN FOOD ANIMALS**

19 **SEC. 2701. FINDINGS.**

20 *(a) The overuse of antibiotics, also known as antimicrobial drugs, in human medicine and in*
21 *meat and poultry production poses a pressing environmental and public health threat by allowing*
22 *antibiotic-resistant bacteria to multiply and spread. In 2013, the Centers for Disease Prevention and*
23 *Control ("CDC") identified antibiotic resistance as one of the top five health threats facing the country*
24 *in the near future.*

25 *(b) In a 2013 report on antibiotic resistance threats in the United States, the CDC estimated*
that every year at least 2 million people contract antibiotic-resistant infections, and at least 23,000

1 people die as a result of these infections. Some researchers have estimated these infections cost the
2 United States as much as \$55 billion annually due to excess healthcare costs and lost productivity.

3 (c) Increasingly, antibiotic-resistant bacteria are leading to infections that can be difficult to
4 treat, require longer and more expensive hospital stays, and are more likely to be fatal than non-
5 resistant bacterial infections. Without effective antibiotics, procedures such as chemotherapy,
6 dialysis, and many surgeries become much riskier for patients because of the high risk of bacterial
7 infections associated with these procedures.

8 (d) While improper use of antibiotics in the healthcare sector is a contributing factor,
9 organizations such as CDC, the Food and Drug Administration ("FDA") and the World Health
10 Organization ("WHO") recognize that the overuse and misuse of antibiotics in food animals is a
11 significant source of the antibiotic-resistant bacteria that affect humans. In a 2015 American
12 Academy of Pediatrics ("AAP") technical report, the authors stated that the "use of antimicrobial
13 agents in agriculture can harm public health, including child health, through the promotion of
14 resistance."

15 (e) Scientists recognize a growing "reservoir" of antibiotic resistance in our communities and
16 environment. A significant portion of antibiotics administered to livestock are excreted in urine and
17 manure, which are then spread as fertilizer on agricultural land. From there, antibiotics can run off
18 into waterways and spread in other ways through the environment. This can lead to the proliferation
19 and spread of resistant bacteria.

20 (f) Antibiotic-resistant bacteria have been found in drinking water near livestock facilities, in
21 the top soil of dairies, and in the air downwind from industrial swine facilities and cattle feedlots. In
22 addition to traveling off farms in water, air, and soil, antibiotic-resistant bacteria can be found on
23 fruits and vegetables where manure has been applied to crops. Furthermore, insects and rats can
24 carry resistant bacteria away from farms. Workers can also unwittingly carry antibiotic-resistant
25 bacteria from livestock production facilities or processing plants into their communities. Antibiotic-

1 resistant bacteria can pass their resistant genes on to other bacteria. This allows some bacteria,
2 including bacteria in the human gut, to become resistant to antibiotics that they have never
3 encountered. Several recent studies indicate that living near livestock operations or near fields
4 treated with manure can increase individuals' risk of contracting antibiotic-resistant infections or
5 being colonized by antibiotic-resistant bacteria.

6 (g) In addition, scientists and governmental agencies routinely find antibiotic-resistant
7 bacteria on animals at slaughter and on raw meat in grocery stores. In 12 years of testing through the
8 National Antimicrobial Resistance Monitoring System ("NARMS"), the FDA has identified
9 antibiotic-resistant bacteria that can cause illness on retail pork, chicken, ground beef, and ground
10 turkey every year. For example, in the most recent reported testing in 2012, 33% of Salmonella, 60%
11 of Enterococcus faecium, 30% of E. coli and, 11% of Campylobacter coli found in chicken were
12 multidrug resistant (resistant to at least three antibiotic classes). WHO and CDC have deemed
13 antibiotic-resistant infections from food pathogens a serious threat.

14 (h) A recent example illustrates the risks of injudicious use of antibiotics, which can cause
15 global problems. In 2015, a study in China identified plasmid encoded colistin resistance (mcr-1),
16 which is easily transferable to other bacteria, in a significant fraction of pig samples that had been
17 collected for routine surveillance. Scientists believe the resistance was a result of colistin in animal
18 feeds, which is not allowed for use in the United States. The same colistin resistance was detected in
19 hospital patients. A couple of months later, alarmed scientists around the world had discovered the
20 same colistin resistance in 19 countries, including in child and elderly patients, in the guts of healthy
21 humans, in water, on retail meat, and in animals. Because the colistin gene was detected more often
22 in animals than in people, the authors of the original study say it is likely that this form of colistin
23 resistance originated in animals and spread to people.

24 (i) In January 2017, FDA completed implementation of its Guidance 213, enacting rules
25 requiring veterinary approval for a host of antibiotics that were previously available over the counter

1 for growth promotion purposes. It also announced the withdrawal of approval for a portion of new
2 animal drug applications that indicated the use of antibiotics for growth promotion for animals used to
3 produce meat and poultry. However, antibiotics in every medically important class that was approved
4 for growth promotion in livestock production will remain available for use at similar or the same
5 doses for disease prevention. Even under Guidance 213, antibiotic products could continue to be
6 administered to animals that are not sick in low doses on a routine basis in their feed and/or water
7 prophylactically. Furthermore, Guidance 213 does not require use reduction targets or a means to
8 track progress toward reduction of the use of antibiotics in livestock operations.

9 (j) According to 2009-2014 domestic sales and distribution data collected from
10 pharmaceutical companies by the FDA, sales of medically-important antibiotics for food animals have
11 increased every year and by 23% over the five-year period. From 2013 to 2014, the first year for
12 voluntary implementation of Guidance 213, antibiotic sales of medically-important antibiotics
13 increased by 3%.

14 (k) Both the Netherlands and Denmark have achieved significant reductions in livestock
15 antibiotic use only after both routine disease prevention and growth promotion uses were banned.
16 According to the government of the Netherlands, antibiotic use in the Dutch livestock industry fell by
17 59% between 2009 and 2014. Between 1992 and 2008, Denmark reduced antibiotic use in swine
18 production by almost 50%, while still experiencing a nearly 50% increase in production.

19 (l) There is no federal program in the United States to collect comprehensive and
20 representative data on antibiotic use in livestock or poultry, nor any federal regulatory proposal to do
21 so. The only information available is sales data that does not break down use by species or medical
22 reason for use.

23 (m) In 2015, Governor Brown signed SB 27, a first-in-the nation law, which puts all
24 medically-important antibiotics under veterinary oversight and restricts prophylactic use of antibiotics
25 in livestock so that antibiotics may not be administered routinely. In addition, SB 27, codified at

1 Section 14400 et seq. of the California Food and Agriculture Code, directs the California Department
2 of Food and Agriculture to monitor antibiotic use, sales, and antibiotic resistance. However, the law
3 applies to livestock and poultry produced in California only.

4 (n) The marketplace remains fragmented and confusing for consumers. Other than for
5 products labeled "Organic" or "No Antibiotics Administered," antibiotic use practices remain
6 opaque or misleading. For example, meat and poultry products may have been produced with regular
7 use of antibiotics yet labeled "natural," and products may claim to be produced without the use of
8 "growth-promoting antibiotics" while using antibiotics routinely for disease prevention with
9 growth-promoting effects. Should producers choose to label their products as compliant with SB 27,
10 such labels will add to this confusing mix.

11 (o) San Francisco can play a pivotal role in addressing the inappropriate use of antibiotics in
12 meat production by increasing transparency of antibiotic use practices by collecting, analyzing, and
13 explaining the myriad policies on antibiotic use for raising livestock and poultry and the implications
14 of different levels of antibiotic use for environmental health, antibiotic resistance and public health.

15 **SEC. 2702. DEFINITIONS.**

16 For the purposes of this Chapter 27, the following definitions apply:

17 "Antibiotic" means any antimicrobial drug that works against bacteria, is approved by the
18 United States Food and Drug Administration ("FDA"), and is currently marketed for use in or on
19 Meat or Poultry animals as approved in 21 C.F.R. §§ 558.55 et seq. and identified in the FDA's 2014
20 Summary Report On Antimicrobials Sold or Distributed for Use in Food-Producing Animals and
21 subsequent annual reports.

22 "Antibiotic Not Currently Medically Important" means any antibiotic and its associated class
23 that does not belong to a class that is listed as "important," "highly important," or "critically
24 important" in Appendix A of FDA's Guidance for Industry #152 and subsequent revisions to that list.
25 Antibiotics Not Currently Medically Important are listed in the FDA's 2014 Summary Report On

1 Antimicrobials Sold or Distributed for Use in Food-Producing Animals, and subsequent FDA annual
2 reports.

3 "Antibiotic Use Policy" means a description of the antibiotic use practices, whether or not
4 written or formalized, of a Producer of each Product Group sold in a Grocer's stores.

5 "City" means the City and County of San Francisco.

6 "Brand" means a distinguishing symbol, mark, logo, name, word, sentence or a combination
7 of these items that companies use to distinguish their product from others in the market.

8 "Department" means the Department of the Environment.

9 "Director" means the Director of the Department of the Environment or his or her designee.

10 "Disease Control" means metaphylaxis, i.e., the administration of an antibiotic to a group of
11 animals that are in contact with an animal or animals showing clinical signs of illness to protect the
12 group from the spread of the disease.

13 "Disease Prevention" means prophylaxis, i.e., the administration of an antibiotic to animals,
14 none of which are exhibiting clinical signs of disease.

15 "Grocer" means a person, firm, corporation, partnership, or other entity that owns and/or
16 operates in the City a grocery store, whether general or specialty, as defined in Planning Code
17 Section 102, and also owns or operates 25 or more grocery stores anywhere.

18 "Growth Promotion" means the administration of antibiotics to an animal to increase the
19 animal's weight gain or growth, to increase feed efficiency, or for other production purposes not
20 related to Disease Control, Prevention, or Treatment.

21 "Meat" means the edible part of the carcass of any mammal, such as cattle, calf, sheep, lamb,
22 goat, rabbit, buffalo, or swine.

23 "Medically Important Antibiotic" means any antibiotic that belongs to a class that is listed as
24 "important," "highly important," or "critically important" in Appendix A of FDA's Guidance for
25 Industry #152 and subsequent revisions to that list.

1 "Poultry" means the edible part of the carcass of any bird.

2 "Producer" means a person or entity who establishes management and production standards
3 for the maintenance, care, and raising of Meat and/or Poultry animals, and either: (1) operates a
4 business raising Meat and/or Poultry animals that are used to produce any Product Group sold by a
5 Grocer; or (2) purchases or otherwise obtains live Meat and/or Poultry animals that it slaughters,
6 and/or sells for slaughter, for production of any Product Group sold by a Grocer.

7 "Product Group" means Raw Meat or Poultry of the same species of animal(s), brand, and sub-
8 brand.

9 "Raw" means not cooked or cured.

10 "Routine Use" means regular administration of Antibiotics for Disease Prevention and/or
11 Growth Promotion.

12 "Sub-brand" means a brand whose attributes are distinct, yet related to a broader main
13 brand.

14 "Third-Party Certification" means certification by an organization that is not affiliated with the
15 Grocer and that addresses antibiotic use by producers of a Product Group sold by the Grocer. The
16 following third party certifications are accepted under this Chapter: U.S. Department of Agriculture
17 ("USDA") Organic, USDA No Antibiotics Administered Process Verified (or equivalent USDA
18 "process verified" claim), Global Animal Partnership, Certified Responsible Antibiotic Use, Humane
19 Certified, and Animal Welfare Approved. The Director may, from time to time via regulations, add to
20 this list of acceptable certifications.

21 "Treatment" means the administration of Antibiotics to animals when they are sick, i.e.,
22 exhibiting clinical signs of bacterial disease.

23 **SEC. 2703. ANTIBIOTIC USE REPORTS—REPORTING AND DOCUMENTATION OF**
24 **ANTIBIOTIC USE POLICIES FOR RAW MEAT PRODUCTS.**

1 (a) Beginning 180 days after enactment of this Chapter 27 and annually thereafter, each
2 Grocer shall report to the Department on a form prescribed by the Director the Antibiotic Use Policy
3 for each Product Group sold in the City during the previous year. The form shall require reporting of
4 information including, but not limited to, the different purposes for which antibiotics are used, whether
5 the use has a Third-Party Certification, the average number of days of antibiotic use per animal,
6 the percentage of animals treated with antibiotics, the number of animals raised, and the total
7 volume of antibiotics administered. The reporting shall distinguish between use of Medically Important
8 Antibiotics, and Antibiotics Not Currently Medically Important. If there is no change to the Antibiotic
9 Use Policy information from the previous year for a Product Group, the Grocer may report that fact in
10 its response on the Department's form. A Grocer shall fill out a separate form for each distinct retail
11 banner operated and/or owned by the Grocer.

12 (b) Upon a written petition from a Grocer showing, based on substantial evidence, that the
13 reporting of certain required information is not feasible without significant hardship, the Director may
14 exercise reasonable discretion to waive reporting of the relevant information for a period of time
15 specified by the Director. Any waiver shall be crafted as narrowly as possible, to maximize disclosure
16 as required by this Chapter 27. If a petition is granted, in responding to the form for the relevant
17 Product Group, the Grocer shall indicate that it has a waiver for the relevant portions of the form. All
18 petitions the Department receives shall be publicly posted on the Department's website for a minimum
19 of 30 days. The Department shall, during a designated comment period, receive and post on its website
20 written comments from the public for the Director to take under advisement in ruling on each petition.
21 Where a written petition receives no response from the Director within 60 days, the petition shall be
22 deemed approved to grant a waiver for one year. Once each year, the Director shall provide an
23 opportunity for input on the petition review and approval process at a public meeting, and shall
24 respond to the public input on each waiver for which concerns are raised.

1 (c) Grocery stores and butchers that do not meet the definition of "Grocer" may elect to
2 participate in the reporting process set forth in this Section 2703, and the Department shall encourage
3 such participation.

4 (d) Five years from enactment of this Chapter, the Director shall evaluate whether the
5 reporting program continues to provide useful information to the public and shall submit a written
6 report based on the evaluation to the Mayor and the Board of Supervisors, with
7 recommendations, if any, for changes to City laws or programs. Such review shall occur
8 every two years thereafter.

9 (e) Each Grocer shall retain documentation of the Antibiotic Use Policy for each Product
10 Group sold in its stores. The following shall be sufficient documentation:

11 (1) A written statement from the Producer of each Product Group that provides
12 information sufficient to address the queries in the Department's form;

13 (2) A Third-Party Certification that confirms the Producer's responses to the
14 Department's form; and/or

15 (3) A store-wide Antibiotic Use Policy that applies to all Meat and Poultry products
16 sold in the store, or that applies to all products in a particular category of Meat or Poultry sold in
17 the store, such as chicken, turkey, pork, or beef; and the process, in writing, by which the Grocer
18 enforces this policy, including any Third-Party Certifications used, written statements from
19 Producers, purchasing specifications, or equivalent information that demonstrates enforcement of
20 the store-wide policy.

21 For a Product Group for which there has been no change to the Antibiotic Use Policy from the
22 previous year, the Grocer shall retain documentation establishing that there has been no change.

23 **SEC. 2704. ANTIBIOTIC USE REPORTS—ANALYSIS AND PUBLICATION OF FINDINGS.**

24 The Department shall analyze the antibiotic use reports collected pursuant to Section 2703, to
25 educate the public about the Antibiotic Use Policies associated with different Meat and Poultry Product

1 Groups and their availability in different grocery stores, distinguish between Medically Important
2 Antibiotics and Antibiotics Not Currently Medically Important, and inform the public's purchasing
3 decisions. The Department shall publish its findings on its website, and may disseminate its findings
4 through other means it deems appropriate.

5 **SEC. 2705. ANTIBIOTIC USE REPORTS—ENFORCEMENT AND PENALTIES.**

6 (a) The Director shall administer and enforce this Chapter 27.

7 (b) If the Director determines that a Grocer has violated this Chapter 27 or a regulation
8 adopted pursuant thereto, the Director shall send a written warning, as well as a copy of this Chapter
9 and any regulations adopted pursuant thereto, to the Grocer, specifying the violation. The Grocer
10 shall have 30 days after receipt of the warning to correct the violation.

11 (c) If, after having received a warning in accordance with subsection (b), the Grocer fails to
12 correct the noticed violation within 30 days after receipt of the warning, the Director may impose
13 administrative penalties, including fines for violations of this Chapter 27 and/or of any regulation
14 adopted pursuant thereto, and/or suspension or revocation of any permits held. Administrative
15 Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," as amended, is
16 hereby incorporated in its entirety and shall govern the imposition, enforcement, collection, and review
17 of administrative fines imposed to enforce this Chapter or any rule or regulation adopted pursuant to
18 this Chapter. Each day a Grocer fails to correct a violation shall constitute a separate violation for
19 these purposes. Grocers and Producers shall be jointly and severally liable for delays in submitting
20 required reports and for false statements made in reports to the Director or in the documentation
21 required to comply with this Chapter.

22 (d) The City Attorney, a Grocer, or any organization with tax exempt status under 26 United
23 States Code Section 501(c)(3) or 501(c)(4) and with a primary mission of protecting human health
24 and/or the environment in the San Francisco Bay Area, may bring a civil action to enjoin violations of
25 or compel compliance with any requirement of this Chapter 27 or any rule or regulation adopted

1 pursuant to this Chapter, as well as for payment of civil penalties and any other appropriate remedy.
2 The court shall award reasonable attorney fees and costs to the City Attorney, Grocer, or non-profit
3 that is the prevailing party in a civil action brought under this subsection (d). A Grocer or non-profit
4 may institute a civil action under this subsection (d) only if:

5 (1) The Grocer or non-profit has filed a complaint with the Director containing
6 sufficient information for the Director to assess its accuracy;

7 (2) 90 days have passed since the filing of the complaint without the Director issuing a
8 warning or otherwise initiating remedial action;

9 (3) After the 90-day period referenced in subsection (d)(2) has passed, the Grocer or
10 non-profit has provided 30-day written notice to the Director and the City Attorney's Office of its intent
11 to initiate civil proceedings;

12 (4) By the end of the 30-day period referenced in subsection (d)(3), the City Attorney's
13 Office has not provided notice to the Grocer or non-profit of the City's intent to initiate civil
14 proceedings; and,

15 (5) The Grocer or non-profit has executed an agreement indemnifying and holding
16 harmless the City in connection with the action, in a form approved by the City Attorney's Office.

17 (e) Any Grocer who knowingly and willfully violates the requirements of this Chapter 27 or any
18 rule or regulation adopted pursuant to this Chapter is guilty of a misdemeanor and upon conviction
19 thereof is punishable by a fine of not less than \$50 and not more than \$500 for each day per violation,
20 or by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and
21 imprisonment.

22 (f) Any Grocer in violation of this Chapter 27 or any rule or regulation adopted pursuant to
23 this Chapter shall be liable to the City for a civil penalty in an amount not to exceed \$1,000 per day per
24 violation. Each day in which the violation continues shall constitute a separate violation. A civil
25

1 penalty shall not be assessed pursuant to this subsection (f) for the same violation for which the
2 Director assessed an administrative penalty pursuant to subsection (c).

3 (g) In determining the appropriate penalties, the court or the Director shall consider the extent
4 of harm caused by the violation, the nature and persistence of the violation, the frequency of past
5 violations, any action taken to mitigate the violation, and the financial burden to the violator.

6 (h) No criminal, civil, or administrative action under this Section 2705 may be brought more
7 than four years after the date of the alleged violation, except where evidence of the violation has been
8 hidden or was otherwise unavailable in the exercise of reasonable diligence.

9 **SEC. 2706. CITY PROCUREMENT OF RAW MEAT—REPORTS OF CURRENT PRACTICES**
10 **AND PUBLICATION OF RECOMMENDATIONS.**

11 (a) No later than 90 days after enactment of this Chapter 27, all City departments procuring
12 Raw Meat and/or Poultry shall both conduct an audit of their Meat and Poultry purchases in the
13 previous calendar year and submit a report to the Department of the Environment with the following
14 information:

15 (1) Percentages of Meat and Poultry procured that were produced with and without the
16 Routine Use of Antibiotics, distinguishing between Meat and Poultry raised without any Antibiotics and
17 Meat and Poultry raised without Routine Use of Medically Important Antibiotics whenever feasible;

18 (2) A list of current suppliers, and whether those suppliers currently offer Meat and/or
19 Poultry raised without the Routine Use of Antibiotics, distinguishing between Meat and/or Poultry
20 raised without any Antibiotics and Meat and/or Poultry raised without Routine Use of Medically
21 Important Antibiotics, and whether the suppliers could cease Routine Use of Medically Important
22 Antibiotics within three years' time;

23 (3) The estimated cost of obtaining Meat and/or Poultry raised without the Routine Use
24 of Antibiotics, distinguishing between Meat and/or Poultry raised without any Antibiotics and Meat
25 and/or Poultry raised without Routine Use of Medically Important Antibiotics; and

1 (4) The expected timeline if the department were to transition to procurement of only
2 Meat and/or Poultry raised without the Routine Use of Medically Important Antibiotics.

3 (b) No later than 180 days after enactment of this Chapter 27, the Department of the
4 Environment shall compile the departmental reports required by this Section 2706 and publish an
5 analysis regarding opportunities for and feasibility of a City-wide procurement policy for Meat and
6 Poultry raised without the Routine Use of Medically Important Antibiotics. The Department shall
7 submit a copy of its analysis to the Board of Supervisors and the Mayor.

8 **SEC. 2707. RULEMAKING.**

9 (a) The Director, after a public hearing, shall adopt and may amend guidelines, rules,
10 regulations, and/or forms as the Director deems necessary to implement this Chapter 27.

11 (b) No later than 90 days after enactment of this Chapter 27, the Department shall issue
12 regulations specifying the contents and format for the form required by Section 2703.

13 **SEC. 2708. UNDERTAKING FOR THE GENERAL WELFARE.**

14 In enacting and implementing this Chapter 27, the City is assuming an undertaking only to
15 promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an
16 obligation for breach of which it is liable in money damages to any person who claims that such breach
17 proximately caused injury.


18 **SEC. 2709. SEVERABILITY.**

19 If any section, subsection, sentence, clause, phrase, or word of this Chapter 27, or any
20 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a
21 decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining
22 portions or applications of the chapter. The Board of Supervisors hereby declares that it would have
23 passed this chapter and each and every section, subsection, sentence, clause, phrase, and word not
24 declared invalid or unconstitutional without regard to whether any other portion of this chapter or
25 application thereof would be subsequently declared invalid or unconstitutional.

1 Section 2. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5
6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8 By:


9 NEHA GUPTA
Deputy City Attorney

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REVISED LEGISLATIVE DIGEST

(10/3/2017, Amended in Board)

[Environment Code - Antibiotic Use in Food Animals]

Ordinance amending the Environment Code to require certain retailers of raw meat and poultry to report the use of antibiotics in such products to the Department of the Environment, and require City departments to report the use of antibiotics in raw meat and poultry purchased by the City to the Department of the Environment.

Existing Law

San Francisco law does not currently require any disclosures regarding the use of antibiotics in meat or poultry products. Article 10 of the Health Code, regarding Meat and Meat Products, sets forth standards related to meat inspection and transport, and use of dyes, chemicals, and other substances in meat or meat products.

Amendments to Current Law

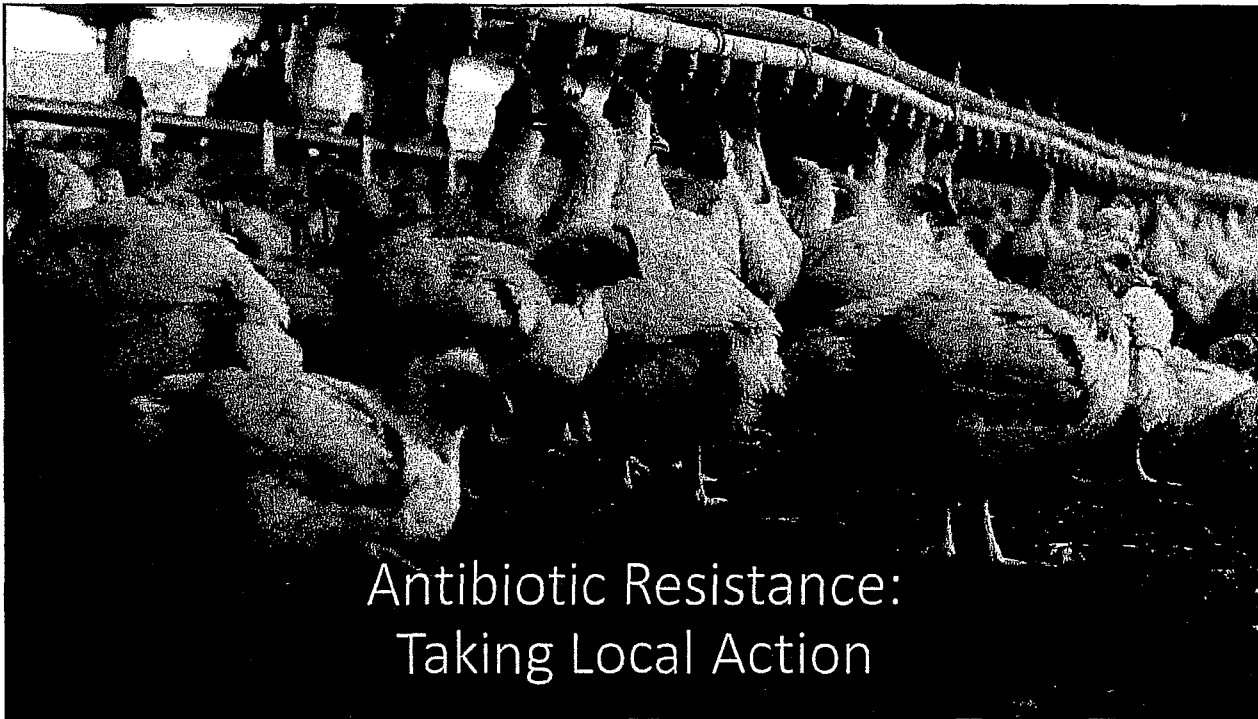
The proposal is an ordinance that would amend the Environment Code to require grocers of a certain size selling raw meat and/or poultry in the City to report to the Department of the Environment (the "Department") the producer's antibiotic use policy for each line of meat and poultry products sold. Grocers would also be required to retain documentation of these antibiotic use policies. The Department would publicly report on its website the antibiotic use policies of different meat and poultry brands sold by the covered grocers, and would be responsible for enforcement of the reporting requirements. Under the proposal, grocers for whom compliance would be infeasible may apply to the Department for a waiver from some or all reporting requirements.

The proposal would also require City departments procuring raw meat to conduct an audit of their meat purchases of the year prior to this proposal's enactment. These City departments would be required report to the Department information regarding the use of antibiotics in the purchased meat, and an estimate of when and whether they may be able to transition to procurement of meat raised without the routine use of antibiotics.

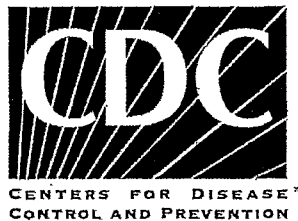
Background

This legislative digest accompanies a substitute version of this ordinance introduced on September 19, 2017. This proposal was initially introduced before on the Board of Supervisors on June 20, 2017.

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"Antibiotic resistance is one of the top five threats to public health."



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23,000
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DIE AS A RESULT OF THE INFECTIONS.

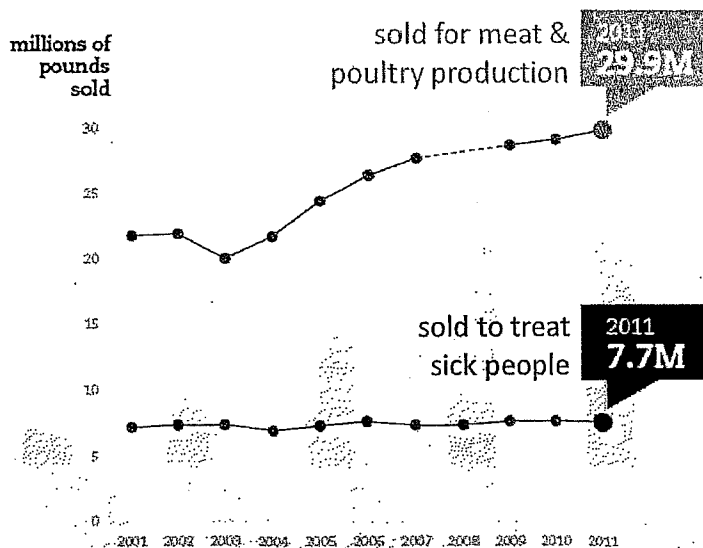
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PEOPLE
DIE AS A RESULT OF THE INFECTIONS.

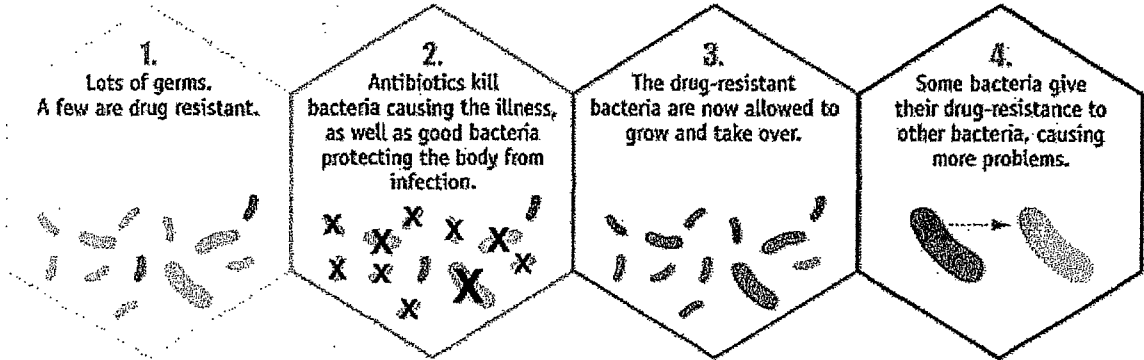
\$55
BILLION
LOST DUE
TO EXCESS
HOSPITAL
COSTS
AND LOST
PRODUCTIVITY.

80% of Antibiotics Sold for Livestock Use



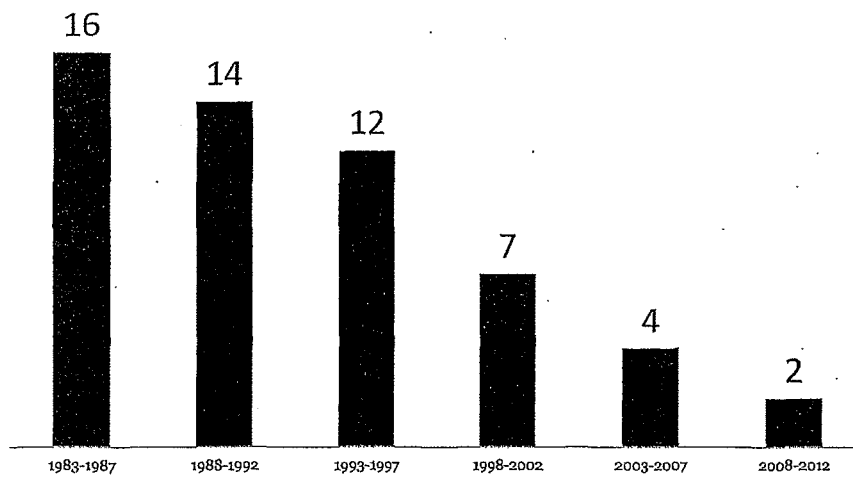
Graphic published by Pew Charitable Trusts February 2013

Overuse Accelerates Resistance



Graphic published by Centers for Disease Control

Fewer New Antibiotics Being Developed



Source: Infectious Diseases Society of America (IDSA) Clin Infect Dis. 2011;52:S397-S428, <http://www.tufts.edu/med/apua/news/news-newsletter-vol-30-no-1-2.shtml>

Superbugs On Retail Meat & Poultry

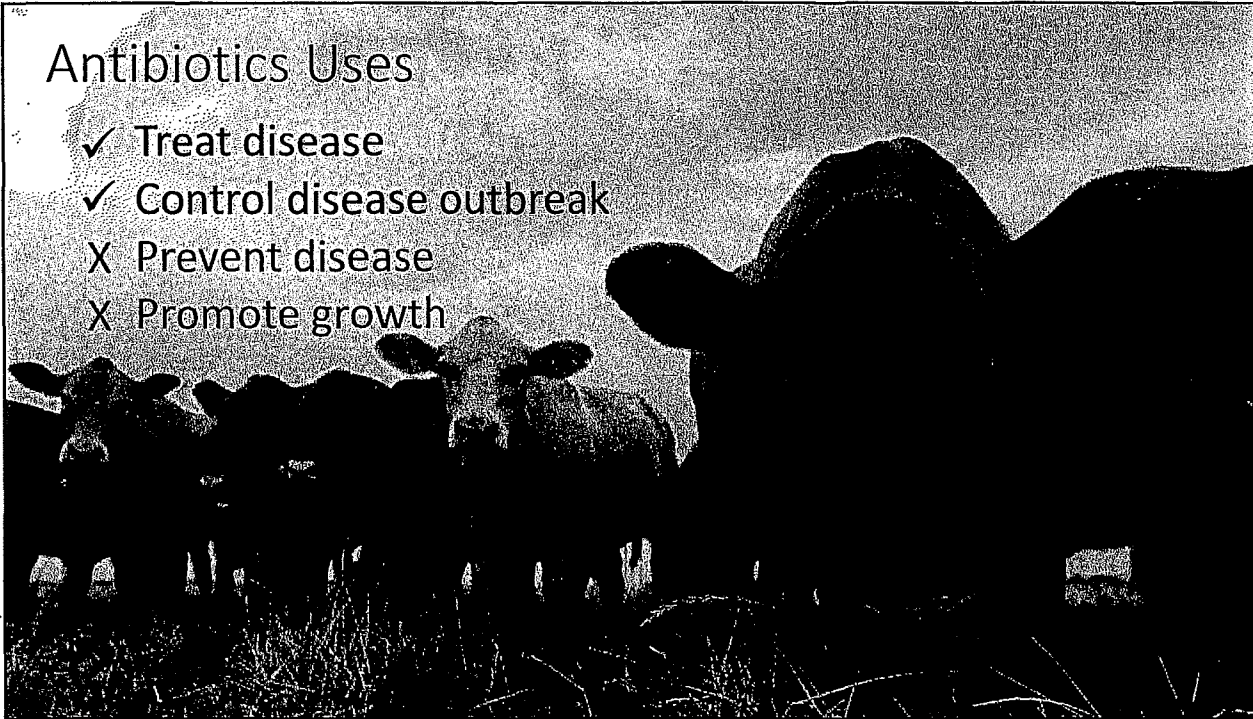
Frequency of bacteria resistant to three or more classes of antibiotics on retail chicken (2012)

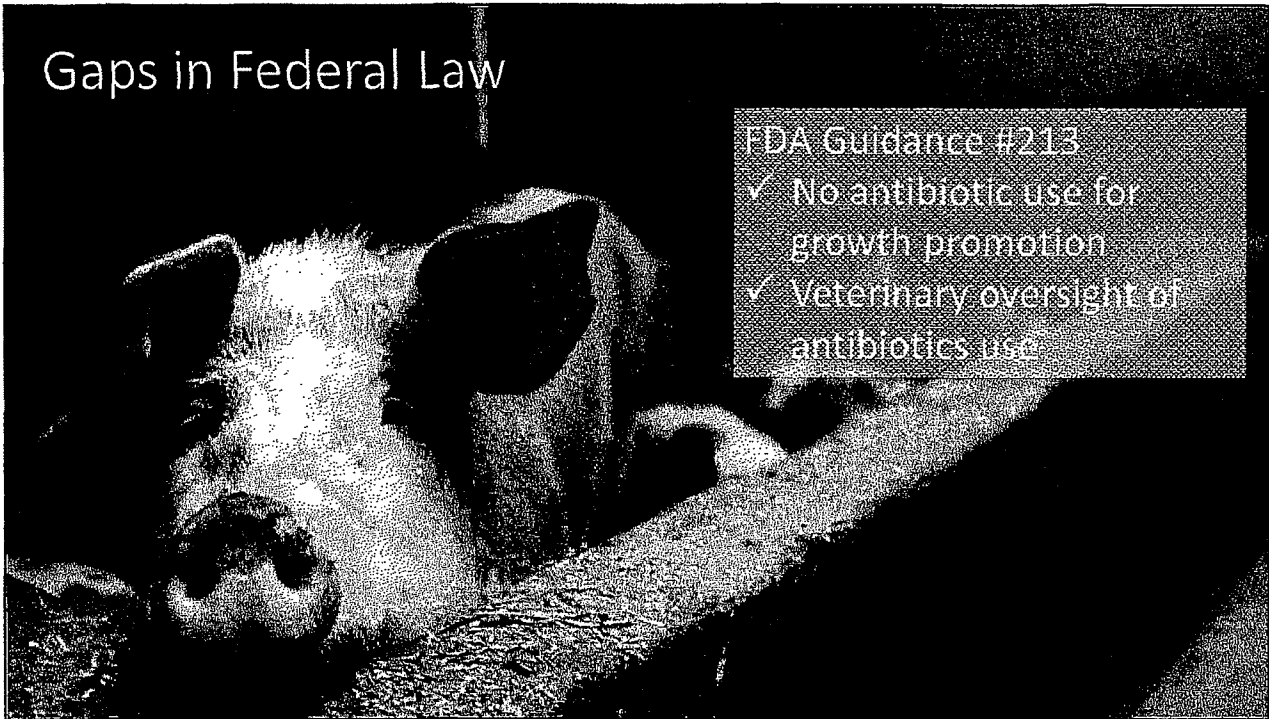
Resistant Bacterium	% chicken samples positive
<i>Campylobacter jejuni</i>	2%
<i>Enterococci</i>	47%
<i>E. coli</i>	24%
<i>Salmonella</i>	6%

FDA, National Antimicrobial Resistance Monitoring System, Retail Meat Annual Report, 2012

Antibiotics Uses

- ✓ Treat disease
- ✓ Control disease outbreak
- X Prevent disease
- X Promote growth

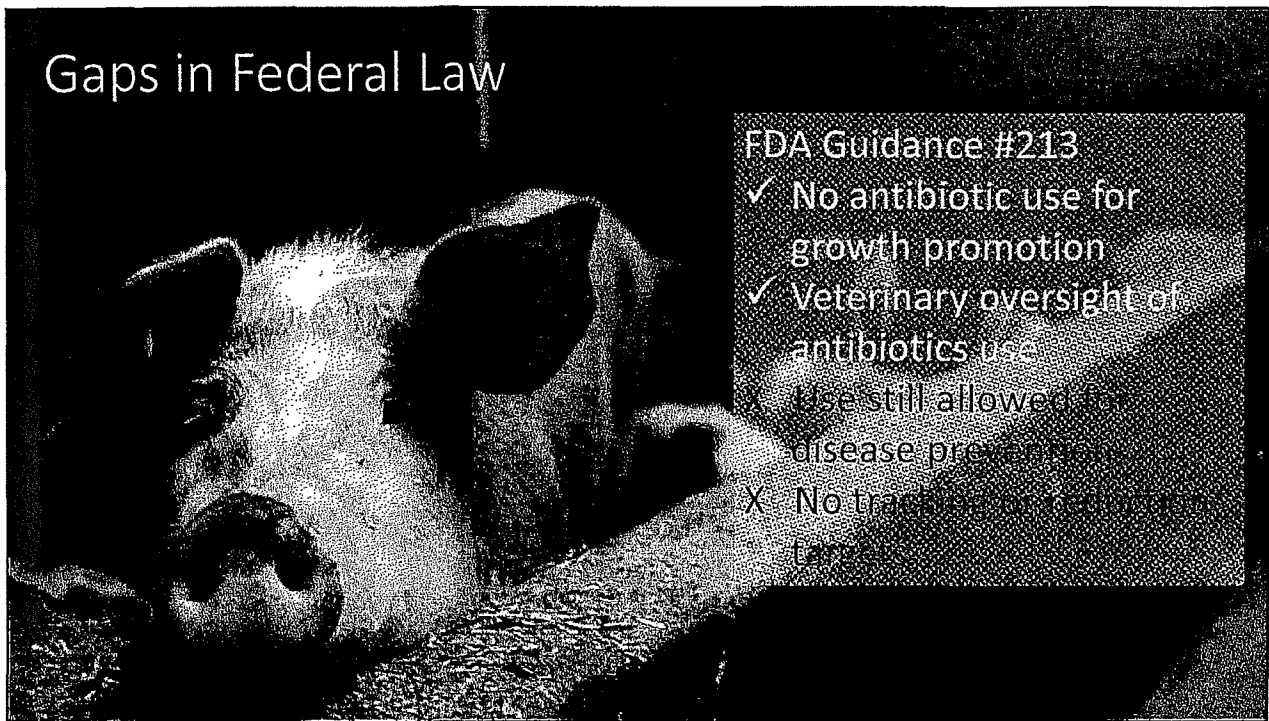




Gaps in Federal Law

FDA Guidance #213

- ✓ No antibiotic use for growth promotion
- ✓ Veterinary oversight of antibiotics use



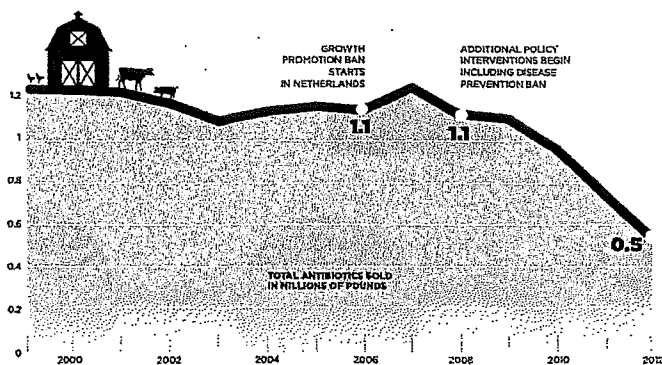
Gaps in Federal Law

FDA Guidance #213

- ✓ No antibiotic use for growth promotion
- ✓ Veterinary oversight of antibiotics use
- X Use still allowed for disease prevention
- X No trade barrier reduction

Ending Growth Promotion Not Enough

Netherlands



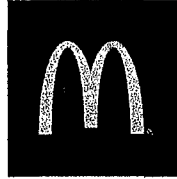
Cordova, C. et al. NRDC Fact Sheet: FDA's Efforts Fail to End Misuse of Livestock Antibiotics, 2015.

Senate Bill 27 is An Important Step



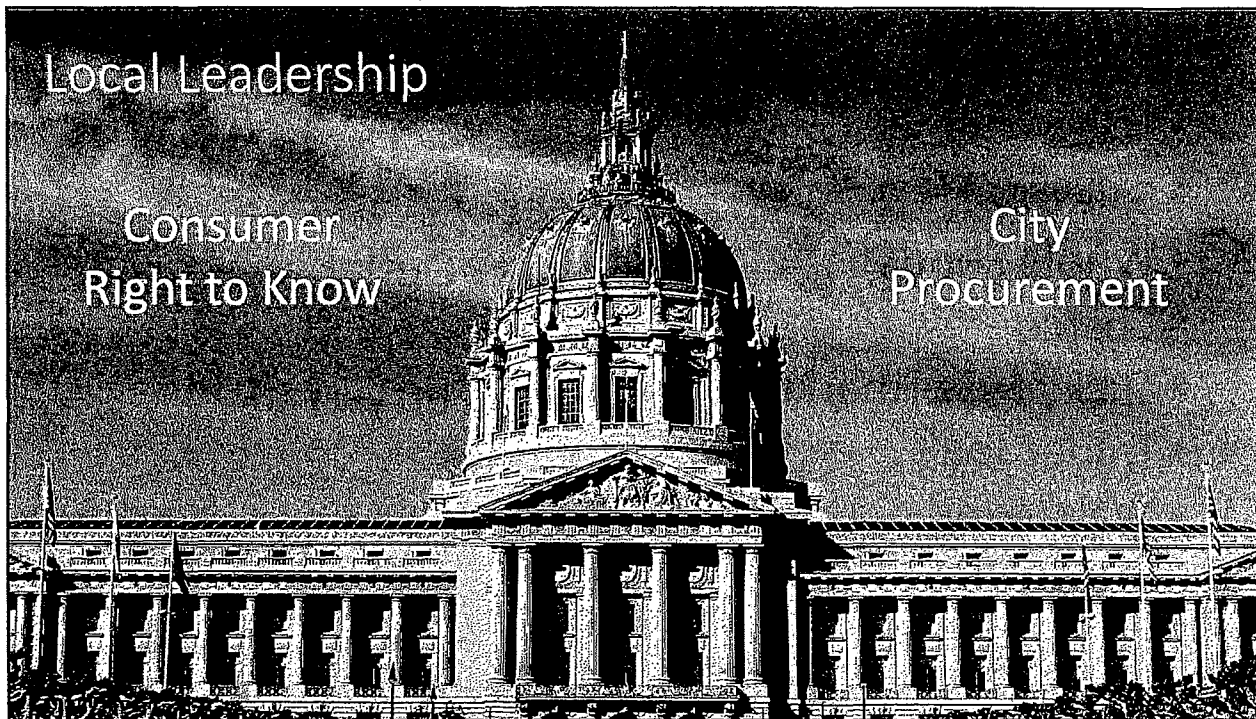
- Requires veterinary oversight
- Prohibits growth promotion and "regular pattern" of use for disease prevention
- Requires CDFA to collect information about use and antimicrobial resistance in CA
- Applies only to animals raised in CA

Market Shift



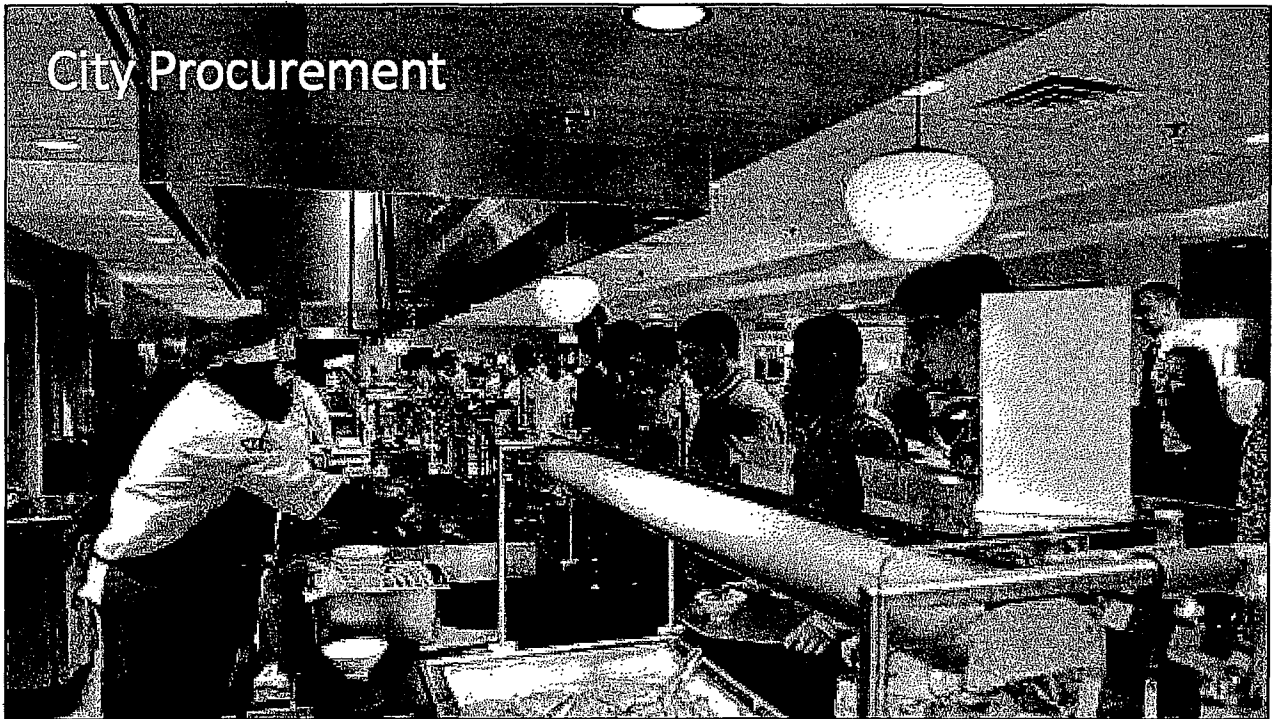
Local Leadership





Stores with 25 Outlets Anywhere

- Safeway
- Whole Foods
- Costco
- Lucky Supermarket
- Trader Joe's
- Walgreens
- Target
- Grocery Outlet
- Bristol Farms
- Cash & Carry
- Foods Co
- CVS



Broad Support

- NRDC
- SF Marin Medical Society
- Prevention Institute
- Clean Water Action
- Physicians for Social Responsibility
- CALPIRG
- Healthcare Without Harm
- Environmental Working Group
- Food Chain Workers Alliance
- Keep Antibiotics Working Coalition
- Roots of Change
- Sierra Club
- The Antibiotic Resistance Action Center, Milken Institute School of Public Health, The George Washington University
- Numerous Individual Doctors and Scientists



Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Thursday, October 12, 2017 4:44 PM
To: 'justin@calcattlemen.org'
Cc: Board of Supervisors, (BOS)
Subject: RE: Comment: File No. 170763: Environment Code - Antibiotic Use in Food Animals

Categories: 170763

Thank you for the comment letter.

I have added it to the official file for the ordinance.

You may review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 170763](#)

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

From: Board of Supervisors, (BOS)
Sent: Wednesday, October 11, 2017 8:55 AM
To: BOS-Supervisors <bos-supervisors@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>
Subject: FW: Comment: File No. 170763: Environment Code - Antibiotic Use in Food Animals

From: Justin Oldfield [<mailto:justin@calcattlemen.org>]
Sent: Monday, October 09, 2017 11:35 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Jones, Justin (BOS) <justin.jones@sfgov.org>; Hamilton, Megan (BOS) <megan.hamilton@sfgov.org>; Barnes, Bill (BOS) <bill.barnes@sfgov.org>
Subject: Comment: File No. 170763: Environment Code - Antibiotic Use in Food Animals

Please find the attached comment letter that we request be submitted to the Board of Supervisors for the record.

Sincerely,

Justin Oldfield
Vice President, Government Affairs
California Cattlemen's Association
916-444-0845
justin@calcattlemen.org

CALIFORNIA CATTLEMEN'S ASSOCIATION

1221 H STREET • SACRAMENTO, CALIFORNIA • 95814-1910

SERVING THE CATTLE
INDUSTRY SINCE 1917



PHONE: (916) 444-0845
FAX: (916) 444-2194
www.calcattlemen.org

October 9, 2017

The Honorable London Breed
Chair, San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Rm. 244
San Francisco, CA 94102

RE: File Item 170763: Environment Code – Antibiotic Use in Food Animals

Dear Supervisor Breed,

The California Cattlemen's Association (CCA) is writing to express opposition to File Item 170763 offered by Supervisor Jeff Sheehy which would enact a new ordinance in the Environment Code requiring grocers to report the use of antibiotics in live animals for meat and poultry sold at grocery retail outlets with more than 25 stores. CCA represents California cattlemen and women in all sectors of the beef production chain – from pasture to plate. California ranchers and beef cattle producers are the most progressive in the nation and are subject to the strictest regulatory standards anywhere, including the use of antibiotics for food animal production. Cattlemen's first obligation is to provide the highest levels of animal care, which includes the implementation of a robust animal health program prescribed by veterinarians.

Unfortunately, the proposed ordinance seeks to put in place an ineffective, costly and impractical reporting program that will provide little information to consumers of beef and other meat and poultry products regarding why antibiotics are used and any risk of antimicrobial resistance that use presents. The ordinance fails to account for federal and state regulations already in place that promote the judicious use of antibiotics. As ranchers, we depend on the use of antibiotics to properly treat sick animals and, like all others, have a vested interest in ensuring antibiotics remain effective in both animal and human medicine.

In 2015, CCA and other representatives of the livestock industry worked with Senator Jerry Hill (D-San Mateo) to pass SB 27 which will require, beginning January 1, 2018, that all medically important antibiotics sold and used in California food animal production be done under the prescription of a veterinarian. In addition, SB 27 establishes a monitoring and tracking program which will analyze antibiotic use throughout all sectors of food animal production and investigate where resistance has occurred and why.

Advocates for this ordinance argue that comparing the amount of antibiotics used in food animal production compared to human medicine is reason enough to justify new reporting requirements,

Dave Daley
President
Oroville

Rob von der Lieth
Treasurer
Copperopolis

Mike Williams
Second Vice President
Acton

Mike Miller
Second Vice President
Mt. Hamilton

Billy Gatlin
Executive Vice President
Herald

Mark Lacey
First Vice President
Independence

Pat Kirby
Second Vice President
Wilton

Mike Smith
Feeder Council Chair
Selma

Trevor Freitas
Feeder Council Vice Chair
Tipton

however this information alone provides absolutely no indication as to the cause of resistance. President Obama commissioned a report by the President's Council of Advisors on Science & Technology (PCAST) in September of 2014 which recognized, as do ranchers, that antibiotics used in food animal production can contribute to resistance. However, the report also stated that "what is less clear is its relative contribution to antibiotic resistance in humans compared to the inappropriate or overuse in health care settings."¹ The reporting requirements proposed under the legislation appear to suggest to consumers that the use of antibiotics in food animal production is inherently bad when the actual data suggests that promoting the judicious use of antibiotics in animal agriculture should be the focus.

This can be further highlighted by a review of the regulations enacted in the Netherlands and Denmark to restrict the amount of antibiotics used in animal agriculture and ban their use for disease prevention. These regulations are cited in Section 2701 of the ordinance as a basis to support the proposed ordinance. A report released by the Danish government in 2009 demonstrated that although the total amount of antibiotics used between 1998 and 2009 in pork production fell by 26 percent, the amount used for therapeutic treatment increased by 223 percent. In addition, the report suggested that while resistance to some antibiotics went down, others went up and little evidence was collected demonstrating that resistance in humans had gone down during the same period.²

In addition to the proposed ordinance not providing any useful information to consumers or the Department of the Environment, it also lacks a fundamental understanding of meat and poultry production and will be completely infeasible to implement. For example, the reporting requirements include the need for a grocer to report the number of animals raised and the total volume of antibiotics administered, including the need to distinguish between the total use of non-medically important and medically important antibiotics.

Beef cattle production in California and across the United States is not, with very few exceptions, vertically integrated. Cow-calf producers maintain a breeding herd and sell weaned calves once a year to other producers, known as stockers, that turn those cattle, now considered "yearlings," back out on grass. In turn, yearling cattle are sold to feedlots to finish cattle where they remain for roughly 90 days prior to harvest. Meat packers are the last segment to receive the live animal, where it is humanely harvested and sold directly to retailers or food service providers. In this example, the animal was owned by four completely different and separate entities. In most cases, the cattle are sold in groups and the meat packer is not in connection with the original cow calf producer or stocker. Simply stated, how is a grocer positioned to collect this information as required? In fact, it would be infeasible for a meat packer to collect this information.

The report submitted to the Department of the Environment also requires the grocer to state the numbers of animals raised. Given the beef industry is not vertically integrated, is a grocer required to identify the number of animals owned by each producer that owned the animal in its

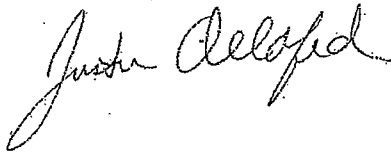
¹ *Report to the President on Combating Antibiotic Resistance*, President's Council of Advisors on Science & Technology, September 2014. Page 51

² *Use of antimicrobial agents and occurrence of antimicrobial resistance in bacteria from food animals, foods and humans in Denmark*, DANMAP. Statens Serum Institut, Danish Veterinary and Food Administration, et al. 2009.

lifetime? Do these numbers need to reflect all the producer's animals in each industry segment although all animals owned by one producer in any given year are likely not to end up being purchased by the same meat packer and sold to the same grocer? Grocers also commonly purchase cuts that are popular with the consuming public. For example, a harvested steer or heifer will produce two "tri tip" roasts taken from the bottom sirloin. A grocer may purchase several cases of case-ready tri tip roasts, however those roasts represent various animals and are not taken from one carcass. The proposed ordinance appears to presume that a grocer receives an entire carcass, breaks down the carcass and sells each cut when, in actuality, this rarely occurs. The same example can be used for ground beef sold in case-ready packages. A pound of ground beef found at the meat case may be from several different animals and other cuts from those same carcasses may be sold at different retail outlets all together.

As such, CCA cautions the Board of Supervisors from pursuing this ordinance and urges the board to hold this item 170763 from a final vote. The proposed policy is unnecessary and infeasible and serious discussions need to be had with Supervisor Sheehy's office and the Department of the Environment to address the myriad of concerns raised by stakeholders before moving forward. CCA would respectfully request the board hold the item at their upcoming meeting or vote this item down before enacting an ordinance that is set for failure.

Sincerely,



Justin Oldfield
Vice President, Government Affairs

CC: The Honorable Ed Lee, Mayor, City of San Francisco
Members of the San Francisco City & County Board of Supervisors

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Friday, October 06, 2017 9:51 AM
To: Board of Supervisors, (BOS); 'mgreen@fmi.org'
Subject: RE: San Francisco retailer antimicrobial reporting ordinance
Categories: 170763


Thank you for the comment letter.

I have added it to the official file for the ordinance.

You may review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 170763](#)

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

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From: Board of Supervisors, (BOS)
Sent: Thursday, October 05, 2017 10:51 AM
To: Carroll, John (BOS) <john.carroll@sfgov.org>
Subject: FW: San Francisco retailer antimicrobial reporting ordinance

From: Michael S. Green (FMI) [<mailto:mgreen@fmi.org>]
Sent: Thursday, October 05, 2017 10:45 AM
To: Sheehy, Jeff (BOS) <jeff.sheehy@sfgov.org>
Hamilton, Megan (BOS) <megan.hamilton@sfgov.org>; Board of Supervisors, (BOS)
<board.of.supervisors@sfgov.org>
Subject: San Francisco retailer antimicrobial reporting ordinance

Supervisor – attached please find a letter from our President and CEO regarding the ordinance on antimicrobial use in food animals (File No. 170763). We would appreciate your consideration and are glad to answer any questions you may have.

MICHAEL GREEN
Manager, State Government Relations & Grassroots
FOOD MARKETING INSTITUTE
2345 Crystal Drive, Suite 800
Arlington, VA 22202
Direct: 202.220.0605
mgreen@fmi.org
www.fmi.org | [@FMI_ORG](#)



**FMI State Issues
Retreat**

July 31 - August 2, 2017 - Leesburg, VA
Lansdowne Resort & Spa



THE VOICE OF FOOD RETAIL

Feeding Families  Enriching Lives

October 5, 2017

The Honorable Jeff Sheehy
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place, Rm. 244
San Francisco, CA 94102

Dear Supervisor Sheehy:

As you deliberate on the City and County of San Francisco Board of Supervisors' proposed Ordinance which would amend the Environmental Code related to Antibiotic Use in Food Animals (File No. 170763), Food Marketing Institute (FMI) asks that you also take into account the concerns of both San Francisco grocery stores and their customers in your considerations. The unintended consequences of the ordinance's impact on the cost and availability of fresh meat and poultry products will prove a hardship for San Francisco families, particularly those operating on a budget. And ironically, the ordinance will add a layer of unnecessary cost and potential confusion regarding those products that are already certified organic or antibiotic-free.

FMI proudly advocates on behalf of food retailers and wholesalers. FMI's U.S. members operate nearly 40,000 retail food stores and 25,000 pharmacies, representing a combined annual sales volume of almost \$770 billion. FMI membership covers the spectrum of diverse venues where food is sold, including single owner grocery stores, large multi-store supermarket chains, mixed retail stores, and food wholesalers. The food wholesale and retail industry is an important economic sector that employs more than 4.8 million people in the U.S. and 21,890 in the San Francisco metropolitan area alone.

While the Board of Supervisors' intent behind Ordinance #170763 may be aimed at monitoring antibiotic use during livestock production, the proposed ordinance's actual outcome will harm food retailers who already are devoted to the safety and quality of their fresh meat and poultry products to San Francisco consumers. Indeed, the ordinance's requirements will place additional burden on certified organic or antibiotic-free products compared to other meat and poultry products sold at chain restaurants or other retail outlets not subject to the requirements of Ordinance #170763.

FMI members' top priority is food safety, and the supermarket industry stands by the safety, health, quality and production of the food it sells. To do otherwise not only would nullify the trusting relationship food retailers seek to maintain with their shoppers but also would constitute a violation of the federal Food, Drug & Cosmetic Act, so food retailers take these matters quite seriously. While operating on a one to two percent profit margin, on average, FMI members also strive to provide healthy, affordable food that is accessible to customers of all income levels.

FMI members maintain high standards when it comes to purchasing meat and poultry to make available to their customers. The supermarket industry has supported FDA's actions to address unnecessary food animal production use of antimicrobials and the result has been a reduction in their use.

In addition, FMI supports increased veterinary oversight for the therapeutic uses of such drugs to preserve animal health as is jointly-administered by the U.S. Food & Drug Administration, Environmental Protection Agency, and U.S. Department of Agriculture through the National Residue Program. In the case of veterinary drugs, FDA sets residue standards and USDA monitors for antimicrobial residues in all meat and poultry products. FMI fully supports these standards and adheres to the levels set in the products being sold.

For consumers who seek products from animals raised without the use of antibiotics, FMI members, including those in the San Francisco market, sell USDA certified Organic products and products labeled as "Raised without Antibiotics," or an approved variation of that nomenclature. The USDA Organic regulations prohibit the use of any antimicrobials or animal drugs in the raising of livestock, according to 7 CFR 205.238. For products not certified as organic, the USDA Food Safety Inspection Service requires documentation to support the label claim at the time of the label pre-approval submission, per 9 CFR 412.1. Consumers can be assured that certified organic products and products containing labeling claims regarding antibiotics are from animals that have not been treated with antimicrobials and retailers therefore should not be required to provide an additional submission on these products.

The proposed Antibiotic Use in Food Animals Ordinance #170763 misplaces the regulatory burden of documenting antibiotic use during animal production on grocery stores with 25 or more locations. While these entities currently adhere to product safety, information and claims requirements—including those related to antibiotic use—under the U.S. code, grocers should not be required to report and/or be held liable for information they do not possess.

Not only will Ordinance #170763 raise prices and limit availability for all fresh meat and poultry exclusively at grocery stores with 25 or more locations, it will put certified Organic and "Raised with Antibiotics"-type meat and poultry products sold at retail at a competitive disadvantage due to their additional reporting requirements compared to conventional and non-verified meat and poultry products sold at chain restaurants and other food service outlets. Given the Federal Laws for product categories that contain a certified product claim, FMI suggests it would reduce the regulatory burden if the ordinance were to exempt these products from recordkeeping since their lack of antibiotic use has already been certified and communicated to customers. Moreover, if the Department of the Environment chooses to make that information available to consumers on its website, it should do so consistent with the U.S. Code.

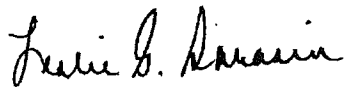
Therefore, FMI asks that the City and County of San Francisco, prior to approving Ordinance #170763, conduct a regulatory analysis to evaluate:

- The impact of this ordinance on grocery stores compared to the impact of the ordinance on antibiotic use in animal production;

- The economic impact on fresh meat availability and customer prices, including in lower-income neighborhoods; and
- Changes to any other laws, regulations or ordinances made necessary by the new ordinance to ensure that grocery stores actually have the right to access information from their fresh meat and poultry suppliers to comply with the Ordinance.

We seek your consideration and willingness to work constructively with FMI to address grocery stores' concerns with Antibiotic Use in Food Animals (File No. 170763) as currently drafted. FMI and our member companies share the City and County of San Francisco Board of Supervisors' interest in the safe, appropriate production of fresh meat and poultry products that are wholesome and affordable to the customers and neighborhoods we serve.

Sincerely,



Leslie Sarasin
Chief Executive Officer
Food Marketing Institute

Carroll, John (BOS)

From: Jalipa, Brent (BOS)
Sent: Friday, September 29, 2017 9:35 AM
To: Carroll, John (BOS)
Subject: FW: Comment Letter on Proposed Antibiotic Ordinance
Attachments: SF Abx Ordinance Letter 9-28-17.pdf

Categories: 170763

From: Calvillo, Angela (BOS)
Sent: Friday, September 29, 2017 9:34 AM
To: Jalipa, Brent (BOS) <brent.jalipa@sfgov.org>
Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>
Subject: FW: Comment Letter on Proposed Antibiotic Ordinance

For the file please. ☺

Thank you.

Angela

From: Noelle Cremers [<mailto:ncremers@CFBF.com>]
Sent: Thursday, September 28, 2017 3:41 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Comment Letter on Proposed Antibiotic Ordinance

Please find the attached comments to share with Board of Supervisors.

Thanks,
Noelle

Noelle G. Cremers
California Farm Bureau Federation
1127 11th Street, Suite 626
Sacramento, CA 95814
(916) 446-4647
(916) 446-1391 – Fax
ncremers@cfbf.com



CALIFORNIA FARM BUREAU FEDERATION

GOVERNMENTAL AFFAIRS DIVISION

1127-11TH STREET, SUITE 626, SACRAMENTO, CA 95814 • PHONE (916) 446-4647

September 28, 2017

The Honorable London Breed, President
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: Proposed Antibiotic Use in Food Animals Ordinance – File No. 170763

Dear Supervisor Breed:

The California Farm Bureau Federation (Farm Bureau) is writing to, unfortunately, express opposition to the proposed ordinance to require reporting of antibiotics used in the production of meat and poultry sold by grocery stores in the city and county of San Francisco. Farm Bureau represents more than 48,000 members as it strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources. California's farmers and ranchers care deeply about the animals they raise and use antibiotics judiciously to prevent, control, and treat diseases in their animals.

California's livestock and poultry producers have a moral obligation to provide for the health and welfare of their animals. Producers want to ensure that antimicrobials remain effective and available to maintain healthy and productive animals by preventing and treating diseases and infections. They likewise recognize the importance of antimicrobials for human medicine and are committed to taking an active role in efforts being made to reduce antimicrobial resistance on state and national levels. As part of these efforts Farm Bureau worked with Senator Jerry Hill in 2015 to gain passage of SB 27. That bill, which is now law, is a first in the nation effort to address concerns about antibiotic use in animal agriculture and includes a requirement that *all* medically important antibiotics be used under the oversight of a veterinarian. No other state requires this.

Further, SB 27 requires California's Department of Food and Agriculture to monitor antibiotic resistance within the major segments (i.e., beef, sheep, poultry, etc.) of California's animal agriculture production system. This monitoring effort will be done in concert with national efforts to monitor antibiotic resistance and usage. The data gathered through this effort will be provided to California's legislature by 2019. The approach set forth in SB 27 requires commitment by California's livestock and poultry producers, but was designed in a way to consider the costs and challenges associated with livestock production and will be feasible for compliance to be achieved, which is not the case with the proposed ordinance.

It is important to understand why antibiotics are used. Animals are raised in herds or flocks and when one animal gets sick the disease spreads quickly throughout the herd or flock. Unlike school children who can be kept home from school when they are sick to prevent the further spread of an illness, it's not feasible to isolate a cow and her calf from the rest of the herd if her

calf gets pneumonia. This means that antibiotics are necessary not only to treat disease, but also to prevent the spread of disease when there is reason to believe the herd or flock is at risk of contracting the illness. Antibiotics are not used for growth promotion purposes, so restrictions on their use can have very real impacts to animals' health and welfare.

The proposed ordinance on antibiotic use in food animals will be extremely burdensome to implement with limited benefits to consumers. The proposed ordinance will create record keeping requirements that upend the current market structure and require new individual animal identification that will create significant costs. Additionally, the ordinance is poorly written and appears to require reporting of information regardless of whether meat or poultry is from an animal treated with antibiotics. To help explain why this would occur, it is important to understand the structure of the livestock production system.

Beef Cattle Production

Beef produced and consumed in the United States are originally born on ranches spread throughout the United States. These ranches are called "cow-calf operations" where a rancher owns a herd of beef cows that give birth to a calf each year. Those cows graze rangeland or pastures and nurse their calves for about six-months. The calves are typically sold at weaning to a "stocker operation" where the calves continue to graze for another six to eight months. The stocker operator then sells the calves to a feedlot where they are finished on grain for around three months. When the calf is ready for harvest they are sold again to a "packer" who processes the animal into beef. The packer then sells the beef to grocers and food service operators. The calves are sold in groups and are usually not individually identified. If a calf gets sick and is treated with antibiotics by either the cow-calf operator or stocker operator there would be significant cost to identifying the animal and ensuring that the paperwork documenting the treatment follows the animal as it is sold numerous times.

It is also important to recognize that when animals are sold they are generally sold in groups. However, these groups are later separated and sold again in a different group making it difficult to maintain the information required by the proposed ordinance as each animal moves through the supply chain. Further, there is not an existing system to keep the animal identification with the carcass after slaughter, making compliance near impossible. Ultimately, there is no way that producers will take on the additional costs to provide the information throughout the chain of production and this ordinance will have the effect of banning the sale of beef by requiring a paperwork trail that would make it prohibitively expensive for all but elite consumers.

Sheep Production

Sheep are produced in a manner similar to beef with a broad number of "range producers" who own ewes that give birth to lambs each year. The lambs are then sold to be finished either on forage or in a feedlot. The finished lambs are sold to a "packer" who then sells the lamb to grocers and food service operators. Lamb would have the same costs and challenges as beef producers with providing information through the production chain.

Poultry and Pork Production

Unlike sheep and beef production, pork and poultry production are generally vertically integrated meaning there are not multiple owners throughout the supply chain. Although there is some pork production that still occurs with independent farmers who sell their pigs to processors. These sales would add inordinate costs due to the paperwork necessary to comply with the proposed ordinance.

Regarding poultry, all packages are labeled whether they are antibiotic free or not. Since most of the California product is free of antibiotics today, there are many brands in the nation that send poultry to supermarkets. The labels tell the story. There is no need to burden supermarkets with a job that is almost impossible to do. Consumers should be able to make their choices by reading the labels.

The proposed ordinance creates significant costs throughout the supply chain. To understand the costs, it would be valuable to consider the costs estimated for compliance with Country of Origin Labeling (COOL), which required labeling to indicate the country where a wide range of agricultural products including meat and poultry were grown or raised.

In its final rule implementing COOL, the U.S. Department of Agriculture (USDA) estimated the costs to firms for implementing the rule would be \$2.6 billion nationally¹. USDA estimated that each business required to comply with COOL would incur costs of up to \$254,685. The costs contributed to COOL would be an underestimation as compared to the costs incurred under the proposed ordinance because the paperwork documenting the country of origin would apply to the entire group of animals sold, whereas the proposed ordinance would require information for each specific animal as well as the entire group. This is particularly true for beef and lamb production, where groups of animals are sold and then separated and sold again, so each animal does not stay in the original group from its ranch of origin. This makes tracking of information extremely difficult and costly.

It is also important to recognize that producers have no idea where the meat or poultry from their animals will end up being sold, so San Francisco's proposed ordinance will essentially require this information to be collected by every producer in the nation in the event that the meat ends up being sold in San Francisco. In addition to the direct costs USDA estimated in the final rule for COOL, it estimated an economic cost of \$211.9 million in increased food costs and reduced food production. It should be noted that COOL was ultimately scrapped.

The proposed ordinance lacks clarity and presents reporting challenges regardless of whether the meat or poultry sold was from an animal who was treated with antibiotics. The requirement to report the percentage of animals treated with antibiotics and the number of animals raised appears to require that information regardless of whether the meat or poultry was from an animal treated with antibiotics. Further, it isn't clear which group of animals needs that reporting, is it the group of calves from the original ranch, or the calves grazing as stockers after weaning, or the calves in the feedlot? It's also unclear how to report the volume of antibiotics used. If meat or poultry is sold from animals raised without antibiotics, is the volume zero, or does a grocer

¹ 74 Federal Register 2658, January 15, 2009. Pages 2682-2700

still have to report antibiotic usage from the herd or flock mates? Again, this information would be nearly impossible to gather. Compliance with the proposed ordinance will be very difficult for both livestock and poultry producers as well as grocers and Farm Bureau would request you reconsider the introduction of this measure.

It should be recognized that antibiotics are tested extensively prior to authorization by the U.S. Food and Drug Administration and there are clear instructions for their use to ensure that meat and poultry from treated animals is safe to consume. The proposed ordinance provides limited benefits to consumers as the market has already responded to consumer demand for meat and poultry raised without antibiotics. However, despite consumer demand animals will always be at risk of getting sick and needing treatment. This means that a market needs to remain for animals treated with antibiotics. If there's no place to sell animals that have been treated with antibiotics, animals will either suffer as treatment is withheld to maintain economic value, or animals will simply be killed when they are sick, wasting a valuable life and protein source.

Addressing issues of antibiotic resistance are important and that is why Farm Bureau has actively engaged in efforts to better understand whether resistance in livestock and poultry is contributing to resistance in humans and what roles farmers and ranchers can play in reducing resistance. California farmers want to ensure that antibiotics remain effective so that they can treat sick animals as well as their own family. However, focus should be placed on efforts to address resistance rather than create costly reporting systems that don't do anything to change resistance. It is for this reason that Farm Bureau must respectfully oppose the proposed ordinance and requests that it be tabled.

Sincerely,



Noelle G. Cremers
Director, Natural Resources and Commodities

CC: Members, San Francisco Board of Supervisors

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Wednesday, September 27, 2017 5:09 PM
To: 'amitra@sfchamber.com'
Cc: Jalipa, Brent (BOS); 'Calvillo, Angela (angela.calvillo@sfgov.org)'; Board of Supervisors, (BOS)
Subject: RE: SF Chamber letter re: file 170763
Categories: 170763

Thank you for the comment letter.

I have added it to the official file for the ordinance.

You may review the entire matter on our [Legislative Research Center](#) by following the link below:
[Board of Supervisors File No. 170763](#)

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org

Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

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From: Jalipa, Brent (BOS)
Sent: Wednesday, September 27, 2017 4:23 PM
To: Carroll, John (BOS) <john.carroll@sfgov.org>
Subject: FW: SF Chamber letter re: file 170763

From: Calvillo, Angela (BOS)
Sent: Wednesday, September 27, 2017 4:23 PM
To: Jalipa, Brent (BOS) <brent.jalipa@sfgov.org>
Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>
Subject: FW: SF Chamber letter re: file 170763

Hi Brent,

For the file please.
Thank you!
Angela

From: Alexander Mitra [<mailto:amitra@sfchamber.com>]

Sent: Wednesday, September 27, 2017 9:38 AM

To: Ronen, Hillary <hillary.ronen@sfgov.org>

Cc: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Sheehy, Jeff (BOS) <jeff.sheehy@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>; Jackson, Jen (ENV) <cynthia.jackson@sfgov.org>; Tim James <tjames@CAGrocers.com>

Subject: SF Chamber letter re: file 170763

Dear Supervisor Ronen,

Please see the attached letter from the San Francisco Chamber of Commerce regarding file 170763, Antibiotic Use in Food Animals.

Thank you,



Alex Mitra

Manager, Public Policy

San Francisco Chamber of Commerce

235 Montgomery St., Ste. 760, San Francisco, CA 94104

(O) 415-352-8808 • (E) amitra@sfchamber.com



From: [Jalipa, Brent \(BOS\)](#)
To: [Carroll, John \(BOS\)](#)
Subject: FW: SF Chamber letter re: file 170763
Date: Wednesday, September 27, 2017 4:23:28 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[9.27.17 File 170763 Antibiotic Use in Food Animals.docx](#)

From: Calvillo, Angela (BOS)
Sent: Wednesday, September 27, 2017 4:23 PM
To: Jalipa, Brent (BOS) <brent.jalipa@sfgov.org>
Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>
Subject: FW: SF Chamber letter re: file 170763

Hi Brent,
For the file please.
Thank you!
Angela

From: Alexander Mitra [<mailto:amitra@sfchamber.com>]
Sent: Wednesday, September 27, 2017 9:38 AM
To: Ronen, Hillary <hillary.ronen@sfgov.org>
Cc: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Sheehy, Jeff (BOS) <jeff.sheehy@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>; Jackson, Jen (ENV) <cynthia.jackson@sfgov.org>; Tim James <tjames@CAGrocers.com>
Subject: SF Chamber letter re: file 170763

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Thank you,

Alex Mitra
Manager, Public Policy
San Francisco Chamber of Commerce
235 Montgomery St., Ste. 760, San Francisco, CA 94104



(O) 415-352-8808 • (E) amitra@sfchamber.com





SAN
FRANCISCO
**CHAMBER OF
COMMERCE**

September 27, 2017

The Honorable Hillary Ronen
Chair, Public Safety and Neighborhood Services Committee
1 Dr. Carlton B. Goodlett Place, Room #244
San Francisco, CA 94102

RE: File No. 170763 Antibiotic Use in Food

Dear Supervisor Ronen:

The San Francisco Chamber of Commerce, representing 2,500 local businesses, including many local grocery retailers, is writing to urge you to consider amending the Antibiotic Use in Food ordinance which is before your committee this morning.

Specially, Section 2705 in the substitute version introduced last week, expands the enforcement provisions beyond what was set forth in the original draft and what had been discussed with the Department of Environment. Section 2705 (d) gives a private right of action to non-profit organizations to sue grocers where the city, for whatever reason, decides not to pursue an alleged violation. Enforcement of local ordinances should rest administratively with the Department and ultimately with the City Attorney. In recent years, the City Attorney has shown no unwillingness to file suits on behalf of the people of San Francisco where he feels the facts warrant - I am sure that would be the case under this ordinance. A private right of action can only expose grocers to unnecessary legal threats.

Thank you in advance for considering this narrow amendment to the Antibiotic Use in Food ordinance.

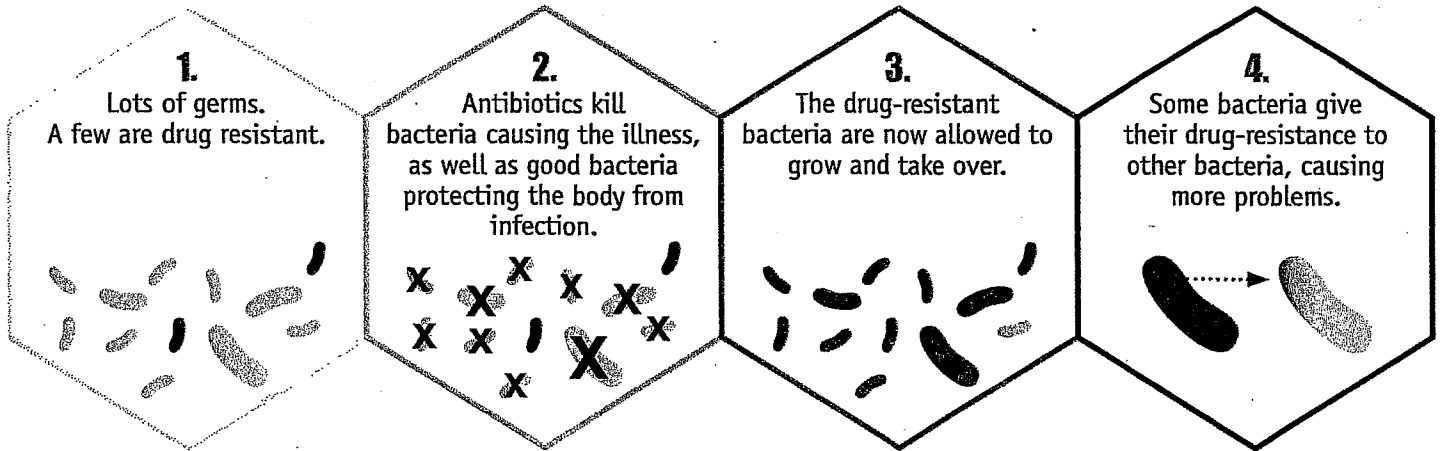
Sincerely,

Jim Lazarus
Senior Vice President of Public Policy

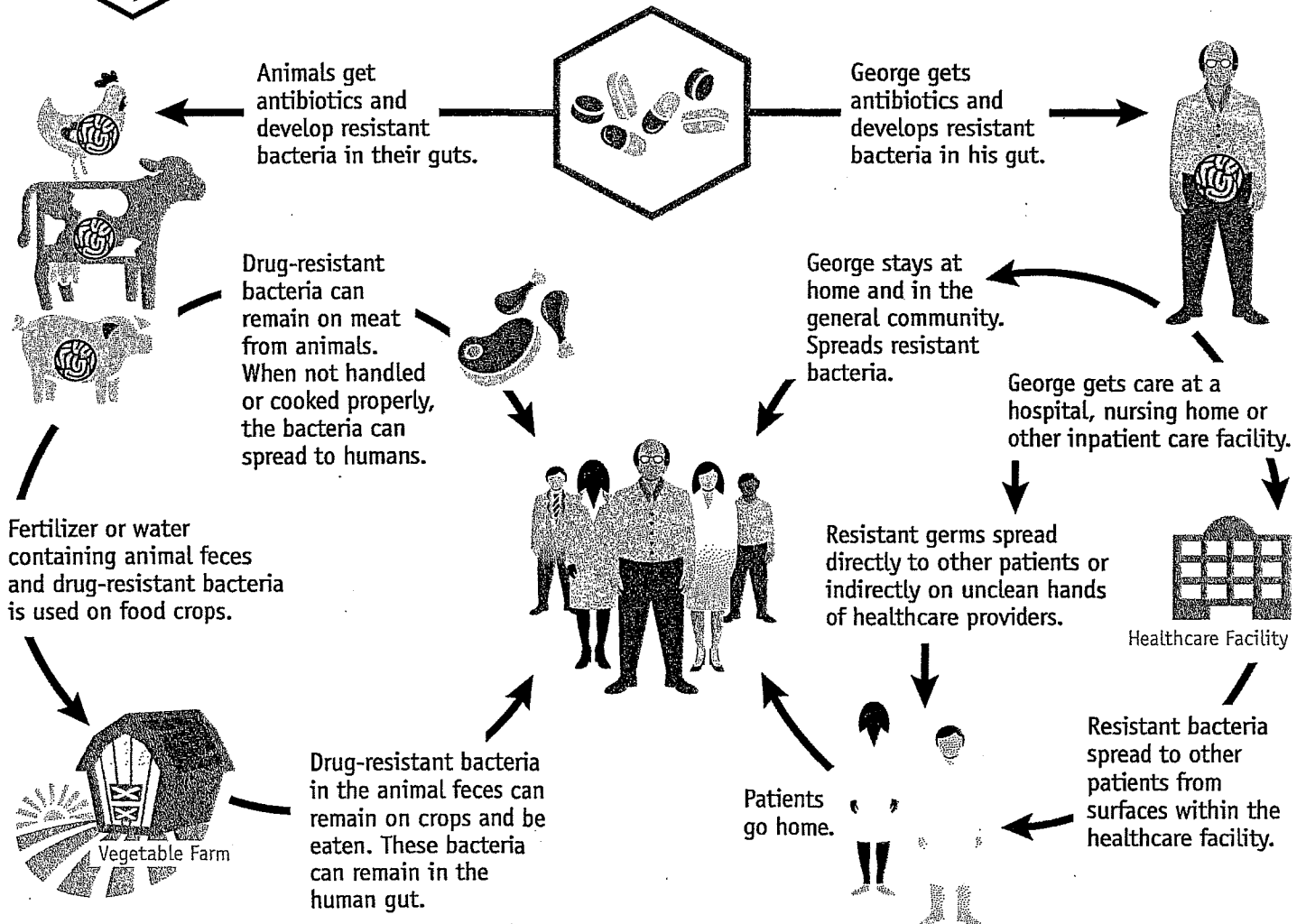
cc. Clerk of the Board of Supervisors, to be distributed to all Supervisors; Department of the Environment, California Grocers Association



How Antibiotic Resistance Happens



Examples of How Antibiotic Resistance Spreads



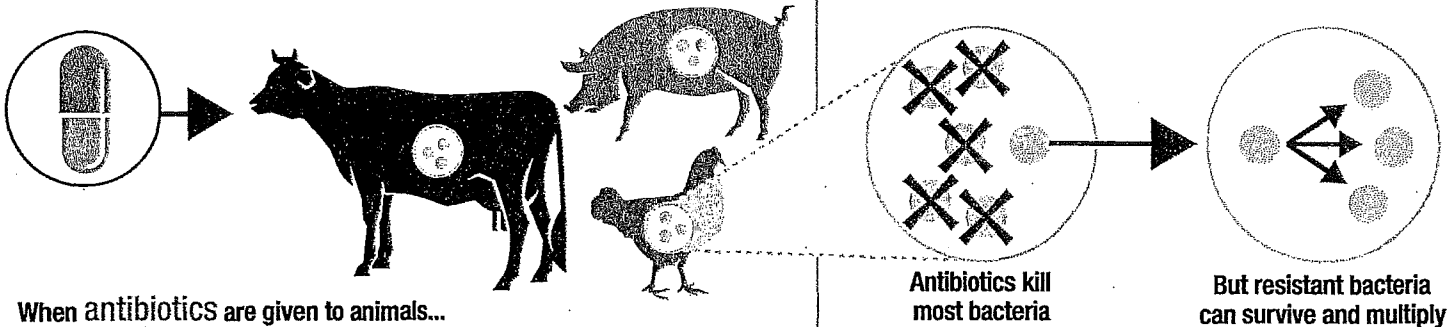
Simply using antibiotics creates resistance. These drugs should only be used to treat infections.

ANTIBIOTIC RESISTANCE

from the farm to the table

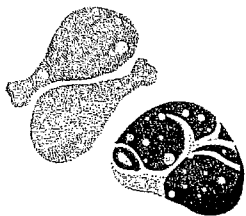
RESISTANCE

Animals can carry harmful **bacteria** in their intestines

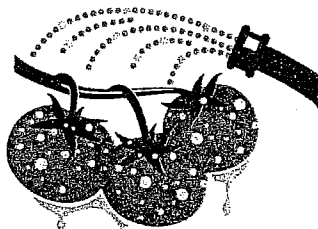


SPREAD

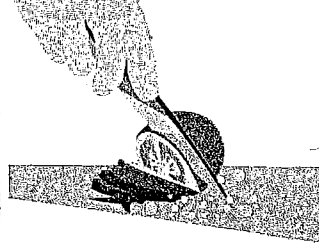
Resistant bacteria can spread to...



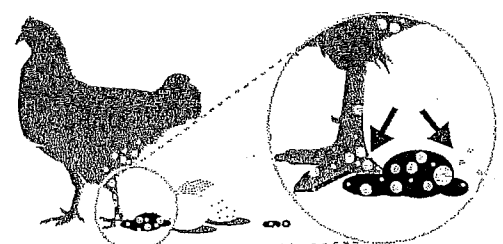
animal products



produce through contaminated water or soil



prepared food through contaminated surfaces



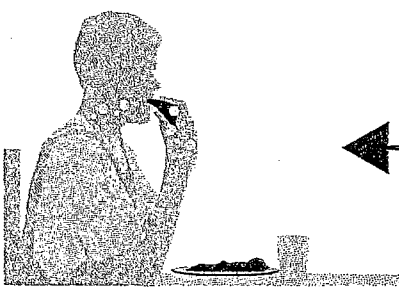
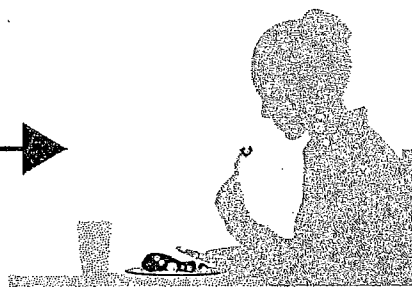
the environment when animals poop

EXPOSURE

People can get sick with resistant infections from...



contaminated food

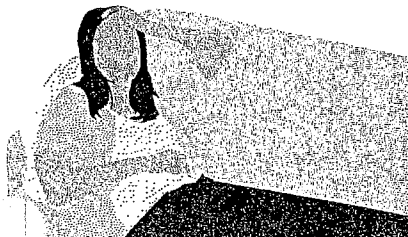


contaminated environment

Learn 4 steps to prevent food poisoning at www.foodsafety.gov

IMPACT

Some resistant infections cause...



mild illness



severe illness and may lead to death

About **1 in 5** resistant infections are caused by germs from food and animals.

Source: *Antibiotic Resistant Threats in the United States, 2013*



Learn more about antibiotic resistance and food safety at www.cdc.gov/foodsafety/antibiotic-resistance.html
Learn more about protecting you and your family from resistant infections at www.cdc.gov/drugresistance/protecting-yourself-family.html

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Wednesday, September 27, 2017 8:55 AM
To: 'Tim James'; Sheehy, Jeff (BOS); Ronen, Hillary; Fewer, Sandra (BOS); 'Calvillo, Angela (angela.calvillo@sfgov.org)'
Cc: Barnes, Bill (BOS); Somera, Alisa (BOS); Board of Supervisors, (BOS); (carolyn.goossen@sfgov.org); Jones, Justin (BOS); Pagoulatos, Nick (BOS)
Subject: RE: Antibiotic Use in Food Animals
Categories: 170763, 2017.09.27 - PSNS

Thank you for the comment letter. I have added your communication to the official file for the ordinance.

Chair Ronen and members of the Public Safety and Neighborhood Services Committee:

I invite you to review the comment letter from Timothy James from the California Grocers Association via the following link:

[California Grocers Association Comment Letter Received September 27, 2017](#)

This is for item number two on today's committee agenda.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 170763](#)

Thank you for the review.

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org

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From: Tim James [mailto:tjames@CAGrocers.com]

Sent: Wednesday, September 27, 2017 8:14 AM

To: Sheehy, Jeff (BOS) <jeff.sheehy@sfgov.org>

Carroll, John (BOS) <john.carroll@sfgov.org>; Barnes, Bill (BOS) <bill.barnes@sfgov.org>

Subject: Antibiotic Use in Food Animals

Supervisor, please accept the attached letter regarding antibiotic use in food animals. Thank you for your consideration and please contact me with any questions or for additional information. Thank you, Tim

Timothy James

Sr. Manager, Local Government Relations and Regulatory Affairs

California Grocers Association

916-448-3545

From: [Tim James](#)
To: [Sheehy, Jeff \(BOS\)](#)
Cc: [Carroll, John \(BOS\)](#); [Barnes, Bill \(BOS\)](#)
Subject: Antibiotic Use in Food Animals
Date: Wednesday, September 27, 2017 8:14:13 AM
Attachments: [San Francisco Antibiotics LTR - 9-27-17.pdf](#)

Supervisor, please accept the attached letter regarding antibiotic use in food animals. Thank you for your consideration and please contact me with any questions or for additional information. Thank you, Tim

Timothy James
Sr. Manager, Local Government Relations and Regulatory Affairs
California Grocers Association
916-448-3545

September 27, 2017

The Honorable Jeff Sheehy
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place, Rm. 244
San Francisco, CA 94102



RE: Antibiotic Use in Food Animals

Dear Supervisor Sheehy,

On behalf of the California Grocers Association, I write to share concerns and ask for additional consideration in specific areas of the proposed language. As primary food and household goods providers for San Franciscans, grocers take our responsibility seriously to provide products in a safe manner. We look forward to working with our federal, state and local partners to ensure the highest level of safety for our consumers. However, this proposal is focused on the production of meat products and treatment of animals while under the control of producers and is not about the safety of products while in grocers control. We believe the spirit and language of the policy must reflect this dynamic.


San Francisco is a recognized leader on many health, safety and environmental issues. Of note is the work on pharmaceutical take back, which requires producers of medications to work directly with the city on product concerns. The Pharmaceutical Take Back Ordinance is a classic example of Extended Producer Responsibility (EPR), which is dealing directly with entities responsible for a products impact. We believe the city should continue its leadership in regards to EPR with this issue and work directly with producers who control antibiotic use, instead of taking the more difficult route of simply regulating grocers. Unfortunately, this ordinance is determined to hold grocers' responsible for information for which they have no control over and is more easily retrieved by the city directly from producers.

It is important to recognize grocers and other food retailers do not already possess the level of information regarding the use of antibiotics required by the ordinance. The information requested could also not be compelled by the retailer from the producer, nor could the accuracy be directly verified by the retailer. Instead of patching together a complicated regulatory scheme which will be hoisted on retailers without control over antibiotic use or without access to antibiotic use information, we encourage the city compel the information directly from the producers. We believe the Department of Environment has the proven ability to work with producers directly which will ensure accurate and verifiable information regarding antibiotic use.

Specific to the ordinance language currently proposed we have some concerns. This ordinance regulates grocers in an aggressive manner, while simultaneously asking food retailers to be the city's partner. Unfortunately, several sections of this ordinance appear to overly regulate retailers and does not provide necessary protections for grocers, who are being used by the city as a middle-man. Areas of the ordinance which need adjustments include use of the information provided by grocers by the Department of Environment, depth of information required to be provided by retailers, retention of documentation received by grocers from producers and, most importantly, providing retailers liability protection while providing information for which they have no control or ability to compel. We believe these adjustments need to be addressed before the ordinance is finalized.

Thank you for your consideration and we look forward to additional conversation and appreciate the opportunity to address the issues raised.

Sincerely,


TIMOTHY M. JAMES
Sr. Manager, Local Government Relations

cc: City Clerk, City of San Francisco

Carroll, John (BOS)

From: Mark Dopp <mdopp@meatinstitute.org>
Sent: Tuesday, September 26, 2017 4:18 PM
To: Carroll, John (BOS)
Cc: Ronen, Hillary; Sheehy, Jeff (BOS); Fewer, Sandra (BOS); Calvillo, Angela (BOS); Somera, Alisa (BOS); Board of Supervisors, (BOS); Pete Thomson; Janet Riley; Goossen, Carolyn (BOS); Jones, Justin (BOS); Pagoulatos, Nick (BOS)
Subject: Re: San Fran Antibiotics letter Sept 2017 final
Categories: 2017.09.27 - PSNS, 170763

Thank you for the prompt response and sharing the letter. Having just become aware of this issue yesterday we welcome the opportunity to continue a dialogue about this issue. Please let me know if there will be another chance to have that conversation. Regards.

Sent from my iPad

On Sep 26, 2017, at 7:12 PM, Carroll, John (BOS) <john.carroll@sfgov.org> wrote:

Thank you for the comment letter. I have added your communication to the official file for the ordinance.

Chair Ronen, Vice Chair Sheehy, and Member Fewer of the Public Safety and Neighborhood Services Committee:

I invite you to review the comment letter from Mark Dopp via the following link:

[NAMI Comment Letter Received September 26, 2017](#)

This is for item number two on tomorrow's committee agenda.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 170763](#)

John Carroll
Assistant Clerk
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San Francisco City Hall, Room 244
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(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org

<image001.png> Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

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From: Mark Dopp [mailto:mdopp@meatinstitute.org]
Sent: Tuesday, September 26, 2017 11:13 AM
To: Carroll, John (BOS) <john.carroll@sfgov.org>
Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Pete Thomson <PThomson@meatinstitute.org>; Janet Riley <jriley@meatinstitute.org>
Subject: San Fran Antibiotics letter Sept 2017 final

Mr. Carroll, good afternoon. Attached is a letter from the North American Meat Institute expressing the Meat Institute's concerns about File No. 170763, Antibiotic Use in Food Animals. I was unable to find on the city's website the email addresses of Supervisors Ronen, Sheehy, and Fewer so I would appreciate you forwarding this letter to them. Please contact me if you have questions about the letter or this email. Regards.

Register today for these NAMI Events:

Animal Care and Handling Conference, Oct. 19-20, Kansas City, MO
Advanced Listeria monocytogenes Intervention and Control Workshop, Oct. 24-25, Kansas City, MO
Worker Safety Conference and Awards for the Meat and Poultry Industry, Atlanta, Georgia, January 29-30, 2018
Environmental Conference and Awards for the Meat and Poultry Industry, Atlanta, Georgia, January 29-30, 2018
International Production and Processing Expo, Atlanta, Georgia, January 30-February 1, 2018
www.meatinstitute.org

This message was received from outside the company.

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This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Carroll, John (BOS)

m: Carroll, John (BOS)
t: Tuesday, September 26, 2017 4:12 PM
To: 'Mark Dopp'; Ronen, Hillary; Sheehy, Jeff (BOS); Fewer, Sandra (BOS); 'Calvillo, Angela (angela.calvillo@sfgov.org)'
Cc: Somera, Alisa (BOS); Board of Supervisors, (BOS); Pete Thomson; Janet Riley; (carolyn.goossen@sfgov.org); Jones, Justin (BOS); Pagoulatos, Nick (BOS)
Subject: RE: San Fran Antibiotics letter Sept 2017 final

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[Board of Supervisors File No. 170763](#)

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San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org

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From: Mark Dopp [mailto:mdopp@meatinstitute.org]
Sent: Tuesday, September 26, 2017 11:13 AM
To: Carroll, John (BOS) <john.carroll@sfgov.org>
Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Pete Thomson <PThomson@meatinstitute.org>; Janet Riley <jriley@meatinstitute.org>
Subject: San Fran Antibiotics letter Sept 2017 final

Mr. Carroll, good afternoon. Attached is a letter from the North American Meat Institute expressing the Meat Institute's concerns about File No. 170763, Antibiotic Use in Food Animals. I was unable to find on the city's website the email addresses of Supervisors Ronen, Sheehy, and Fewer so I would appreciate you forwarding this letter to them. Please contact me if you have questions about the letter or this email. Regards.

Register today for these NAMI Events:

Animal Care and Handling Conference, Oct. 19-20, Kansas City, MO

Advanced Listeria monocytogenes Intervention and Control Workshop, Oct. 24-25, Kansas City, MO

Worker Safety Conference and Awards for the Meat and Poultry Industry, Atlanta, Georgia, January 29-30, 2018

Environmental Conference and Awards for the Meat and Poultry Industry, Atlanta, Georgia, January 29-30, 2018

International Production and Processing Expo, Atlanta, Georgia, January 30-February 1, 2018

www.meatinstitute.org

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From: [Mark Dopp](#)
To: [Carroll, John \(BOS\)](#)
Cc: [Somera, Alisa \(BOS\)](#); [Board of Supervisors \(BOS\)](#); [Pete Thomson](#); [Janet Riley](#)
Subject: San Fran Antibiotics letter Sept 2017 final
Date: Tuesday, September 26, 2017 11:12:58 AM
Attachments: [San Fran Antibiotics letter Sept 2017 final.pdf](#)

Mr. Carroll, good afternoon. Attached is a letter from the North American Meat Institute expressing the Meat Institute's concerns about File No. 170763, Antibiotic Use in Food Animals. I was unable to find on the city's website the email addresses of Supervisors Ronen, Sheehy, and Fewer so I would appreciate you forwarding this letter to them. Please contact me if you have questions about the letter or this email. Regards.

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September 26, 2017

Mr. John Carroll
Clerk
Public Safety and Neighborhood Services Committee
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102

Re: File No. 170763: Environment Code — Antibiotic Use in Food Animals

Dear Mr. Carroll, Committee Members, and Board of Supervisors:

The North American Meat Institute (NAMI or the Meat Institute) submits this letter about the above-referenced file, File No. 170763, pertaining to reporting on antibiotic use in meat and poultry production. The Meat Institute is the nation's oldest and largest trade association representing packers and processors of beef, pork, lamb, veal, turkey, and processed meat products and NAMI member companies account for more than 95 percent of United States output of these products. The Meat Institute provides legislative, regulatory, public relations, technical, scientific, and educational services to the meat and poultry packing and processing industry.

The ordinance under consideration is a recipe for failure. Adopting the proposed ordinance will put livestock and poultry producers whose products are sold in San Francisco at a competitive disadvantage because of additional recordkeeping costs. Likewise, it will put packers and processors those products and the retail grocery stores who sell them in San Francisco at a competitive disadvantage because of the recordkeeping and segregation costs they will incur. Finally, given the added costs the ordinance would impose, San Francisco consumers ultimately would pay the price in more expensive meat and poultry products, all for a reporting program the benefits of which are uncertain.¹

¹ That the benefits of this onerous program are uncertain is evidenced by Section 2703(d), which provides "Five years from enactment of this Chapter, the Director shall evaluate whether the Reporting program continues to provide useful information to the public. Such review shall occur every two years thereafter." In other words, five years after enacting this experiment the city and county will decide whether it is useful.

There are more than a million cattle producers in the United States and about 60,000 hog producers. While not all of those producers raise livestock whose meat ends up in San Francisco, California cattle and hog producers, those producers in neighboring states, and even producers in the Midwest and the Southeast raise livestock and poultry whose meat ends up in California and likely in San Francisco.

The ordinance ignores the practicalities of raising livestock and producing the meat and poultry products they yield. For example, cattle begin life at a cow-calf operation and typically remain there for six to eight months. They then may go to a livestock auction market and end up with a stocker or backgrounder, or both, or they may go directly to the stocker or backgrounder. Most fed cattle spend the last four to six months at a feedyard before going to the packing house for slaughter. Dairy cattle, whose meat is used extensively in ground beef production, typically stay at one dairy before going to a slaughter facility. At any point along this process any individual animal, or subset of animals within a larger group, may be administered antibiotics to treat a condition. The ordinance effectively would impose costly recordkeeping obligations on everyone in this production process whose products may be sold in San Francisco, with the vast majority of those producers not knowing whether their products will be sold in that jurisdiction.

Likewise, the ordinance would impose recordkeeping and segregation costs on packers and processors who sell meat or poultry products in San Francisco. A packer who sells products that may end up in San Francisco would be forced either to dedicate lines or shifts to produce meat or poultry for that specific market or keep antibiotic use records for all animals the packer processes to ensure it could provide the required information to the retailer. In either event, the packer would require its suppliers to keep and provide the records discussed above.

The ordinance ignores other aspects of the meat and poultry industry that further complicating the system and making compliance impossible. For example, live cattle are bought into the United States from Canada and Mexico and feeder pigs are imported from Canada and eventually processed in this country. Likewise, the United States imports substantial amounts of beef from Canada, Australia, New Zealand, and Uruguay. Although some imported meat is used in further processed products, some of it sold in case ready form, *e.g.* lamb chops from New Zealand and Australia, and much of it is used in fresh ground beef production. Retailers would be responsible for securing antibiotic use information pertaining to livestock producers half way around the world. Simply put, the ordinance would impose costs and burdens on retailers that cannot be met.

That these costs would put producers, packers, processors, distributors, and retailers at a disadvantage is undeniable. The California cattle producer whose meat eventually ends up in a San Francisco retail store required to report will bear recordkeeping costs that the producer just down the road or in Washington whose

September 26, 2017

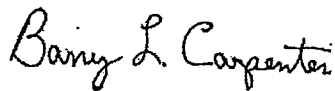
Page 3 of 3

meat is sold in Oakland, Sacramento, or elsewhere in California does not. Likewise, the California meat packer who sells meat in San Francisco will incur costs that his or her competitor whose products sell in Oakland, San Jose, or Palo Alto does not. Indeed, this recordkeeping burden could cause packers to elect to abandon the San Francisco market, harming consumers not only by making meat and poultry product more expensive but by limiting choice.

These costs and burdens would be imposed when the issues surrounding antibiotic use are being addressed. Earlier this year the Food and Drug Administration (FDA) implemented significant changes regarding how antibiotics are used and regulated for animals in the United States. FDA's new policy eliminates the use of medically important antibiotics for promoting growth in animals and requires all remaining uses to be accomplished under the supervision of a veterinarian. This new policy helps ensure medically-important antibiotics are used in food animals only to fight disease under the supervision of a licensed veterinarian.

Given this new federal policy and the commitment of the meat and poultry industry to limit antibiotic use, this ordinance would impose unnecessary recordkeeping burdens and costs. To avoid the red tape and paperwork nightmare that would come from adopting this ordinance, the North American Meat Institute urges rejection of this proposal.

Respectfully submitted,



Barry Carpenter
President and Chief Executive Officer

Cc: Mark Dopp
Pete Thomson
Janet Riley

Carroll, John (BOS)

From: Carroll, John (BOS)
Date: Tuesday, September 26, 2017 4:20 PM
To: 'Noelle Cremers'; Ronen, Hillary; Sheehy, Jeff (BOS); Fewer, Sandra (BOS); 'Calvillo, Angela (angela.calvillo@sfgov.org)'
Cc: Somera, Alisa (BOS); Board of Supervisors, (BOS); (carolyn.goossen@sfgov.org); Jones, Justin (BOS); Pagoulatos, Nick (BOS)
Subject: RE: Letter for Public Safety and Neighborhood Services Committee
Categories: 170763, 2017.09.27 - PSNS

Thank you for the comment letter. I have added your communication to the official file for the ordinance.

Chair Ronen, Vice Chair Sheehy, and Member Fewer of the Public Safety and Neighborhood Services Committee:

I invite you to review the comment letter from Noelle G. Cremers via the following link:

[California Farm Bureau Federation Comment Letter Received September 26, 2017](#)

This is for item number two on tomorrow's committee agenda.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 170763](#)

Thank you for the review.

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

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From: Noelle Cremers [<mailto:ncremers@CFBF.com>]
Sent: Tuesday, September 26, 2017 3:59 PM

To: Carroll, John (BOS) <john.carroll@sfgov.org>

Subject: Letter for Public Safety and Neighborhood Services Committee

Mr. Carroll,

I've attached my letter regarding File No. 170763 on tomorrow's Public Safety and Neighborhood Services Committee agenda. Please let me know that you've received it.

Thanks,

Noelle

Noelle G. Cremers
California Farm Bureau Federation
1127 11th Street, Suite 626
Sacramento, CA 95814
(916) 446-4647
(916) 446-1391 – Fax
ncremers@cfbf.com

From: Noelle Cremers
To: Carroll, John (BOS)
Subject: Letter for Public Safety and Neighborhood Services Committee
Date: Tuesday, September 26, 2017 3:58:57 PM
Attachments: SF Abx Ordinance Letter 9-26-17.pdf

Mr. Carroll,

I've attached my letter regarding File No. 170763 on tomorrow's Public Safety and Neighborhood Services Committee agenda. Please let me know that you've received it.

Thanks,
Noelle

Noelle G. Cremers
California Farm Bureau Federation
1127 11th Street, Suite 626
Sacramento, CA 95814
(916) 446-4647
(916) 446-1391 – Fax
ncremers@cfbf.com



CALIFORNIA FARM BUREAU FEDERATION

GOVERNMENTAL AFFAIRS DIVISION

1127-11TH STREET, SUITE 626, SACRAMENTO, CA 95814 • PHONE (916) 446-4647

September 26, 2017

The Honorable Jeff Sheehy
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: Proposed Antibiotic Use in Food Animals Ordinance – File No. 170763

Dear Supervisor Sheehy:

The California Farm Bureau Federation (Farm Bureau) is writing to, unfortunately, express opposition to the proposed ordinance to require reporting of antibiotics used in the production of meat and poultry sold by grocery stores in the city and county of San Francisco. Farm Bureau represents more than 48,000 members as it strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources. California's farmers and ranchers care deeply about the animals they raise and use antibiotics judiciously to prevent, control, and treat diseases in their animals.

California's livestock and poultry producers have a moral obligation to provide for the health and welfare of their animals. Producers want to ensure that antimicrobials remain effective and available to maintain healthy and productive animals by preventing and treating diseases and infections. They likewise recognize the importance of antimicrobials for human medicine and are committed to taking an active role in efforts being made to reduce antimicrobial resistance on state and national levels. As part of these efforts Farm Bureau worked with Senator Jerry Hill in 2015 to gain passage of SB 27. That bill, which is now law, is a first in the nation effort to address concerns about antibiotic use in animal agriculture and includes a requirement that *all* medically important antibiotics be used under the oversight of a veterinarian. No other state requires this.

Further, SB 27 requires California's Department of Food and Agriculture to monitor antibiotic resistance within the major segments (i.e., beef, sheep, poultry, etc.) of California's animal agriculture production system. This monitoring effort will be done in concert with national efforts to monitor antibiotic resistance and usage. The data gathered through this effort will be provided to California's legislature by 2019. The approach set forth in SB 27 requires commitment by California's livestock and poultry producers, but was designed in a way to consider the costs and challenges associated with livestock production and will be feasible for compliance to be achieved, which is not the case with the proposed ordinance.

It is important to understand why antibiotics are used. Animals are raised in herds or flocks and when one animal gets sick the disease spreads quickly throughout the herd or flock. Unlike school children who can be kept home from school when they are sick to prevent the further spread of an illness, it's not feasible to isolate a cow and her calf from the rest of the herd if her

calf gets pneumonia. This means that antibiotics are necessary not only to treat disease, but also to prevent the spread of disease when there is reason to believe the herd or flock is at risk of contracting the illness. Antibiotics are not used for growth promotion purposes, so restrictions on their use can have very real impacts to animals health and welfare.

The proposed ordinance on antibiotic use in food animals will be extremely burdensome to implement with limited benefits to consumers. The proposed ordinance will create record keeping requirements that upend the current market structure and require new individual animal identification that will create significant costs. Additionally, the ordinance is poorly written and appears to require reporting of information regardless of whether meat or poultry is from an animal treated with antibiotics. To help explain why this would occur, it is important to understand the structure of the livestock production system.

Beef Cattle Production

Beef produced and consumed in the United States are originally born on ranches spread throughout the United States. These ranches are called "cow-calf operations" where a rancher owns a herd of beef cows that give birth to a calf each year. Those cows graze rangeland or pastures and nurse their calves for about six-months. The calves are typically sold at weaning to a "stocker operation" where the calves continue to graze for another six to eight months. The stocker operator then sells the calves to a feedlot where they are finished on grain for around three months. When the calf is ready for harvest they are sold again to a "packer" who processes the animal into beef. The packer then sells the beef to grocers and food service operators. The calves are sold in groups and are usually not individually identified. If a calf gets sick and is treated with antibiotics by either the cow-calf operator or stocker operator there would be significant cost to identifying the animal and ensuring that the paperwork documenting the treatment follows the animal as it is sold numerous times.

It is also important to recognize that when animals are sold they are generally sold in groups. However, these groups are later separated and sold again in a different group making it difficult to maintain the information required by the proposed ordinance as each animal moves through the supply chain. Further, there is not an existing system to keep the animal identification with the carcass after slaughter, making compliance near impossible. Ultimately, there is no way that producers will take on the additional costs to provide the information throughout the chain of production and this ordinance will have the effect of banning the sale of beef by requiring a paperwork trail that would make it prohibitively expensive for all but elite consumers.

Sheep Production

Sheep are produced in a manner similar to beef with a broad number of "range producers" who own ewes that give birth to lambs each year. The lambs are then sold to be finished either on forage or in a feedlot. The finished lambs are sold to a "packer" who then sells the lamb to grocers and food service operators. Lamb would have the same costs and challenges as beef producers with providing information through the production chain.

Poultry and Pork Production

Unlike sheep and beef production, pork and poultry production are generally vertically integrated meaning there are not multiple owners throughout the supply chain. Although there is some pork production that still occurs with independent farmers who sell their pigs to processors. These sales would add inordinate costs due to the paperwork necessary to comply with the proposed ordinance.

Regarding poultry, all packages are labeled whether they are antibiotic free or not. Since most of the California product is free of antibiotics today, there are many brands in the nation that send poultry to supermarkets. The labels tell the story. There is no need to burden supermarkets with a job that is almost impossible to do: Consumers should be able to make their choices by reading the labels.

The proposed ordinance creates significant costs throughout the supply chain. To understand the costs it would be valuable to consider the costs estimated for compliance with Country of Origin Labeling (COOL), which required labeling to indicate the country where a wide range of agricultural products including meat and poultry were grown or raised.

In its final rule implementing COOL, the U.S. Department of Agriculture (USDA) estimated the costs to firms for implementing the rule would be \$2.6 billion nationally¹. USDA estimated that each business required to comply with COOL would incur costs of up to \$254,685. The costs contributed to COOL would be an underestimation as compared to the costs incurred under the proposed ordinance because the paperwork documenting the country of origin would apply to the entire group of animals sold, whereas the proposed ordinance would require information for each specific animal as well as the entire group. This is particularly true for beef and lamb production, where groups of animals are sold and then separated and sold again, so each animal does not stay in the original group from its ranch of origin. This makes tracking of information extremely difficult and costly.

It is also important to recognize that producers have no idea where the meat or poultry from their animals will end up being sold, so San Francisco's proposed ordinance will essentially require this information to be collected by every producer in the nation in the event that the meat ends up being sold in San Francisco. In addition to the direct costs USDA estimated in the final rule for COOL, it estimated an economic cost of \$211.9 million in increased food costs and reduced food production. It should be noted that COOL was ultimately scrapped.

The proposed ordinance lacks clarity and presents reporting challenges regardless of whether the meat or poultry sold was from an animal who was treated with antibiotics. The requirement to report the percentage of animals treated with antibiotics and the number of animals raised appears to require that information regardless of whether the meat or poultry was from an animal treated with antibiotics. Further, it isn't clear which group of animals needs that reporting, is it the group of calves from the original ranch, or the calves grazing as stockers after weaning, or the calves in the feedlot? It's also unclear how to report the volume of antibiotics used. If meat or poultry is sold from animals raised without antibiotics, is the volume zero, or does a grocer

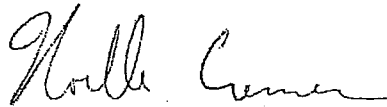
¹ 74 Federal Register 2658, January 15, 2009. Pages 2682-2700

still have to report antibiotic usage from the herd or flock mates? Again, this information would be nearly impossible to gather. Compliance with the proposed ordinance will be very difficult for both livestock and poultry producers as well as grocers and Farm Bureau would request you reconsider the introduction of this measure.

It should be recognized that antibiotics are tested extensively prior to authorization by the U.S. Food and Drug Administration and there are clear instructions for their use to ensure that meat and poultry from treated animals is safe to consume. The proposed ordinance provides limited benefits to consumers as the market has already responded to consumer demand for meat and poultry raised without antibiotics. However, despite consumer demand animals will always be at risk of getting sick and needing treatment. This means that a market needs to remain for animals treated with antibiotics. If there's no place to sell animals that have been treated with antibiotics, animals will either suffer as treatment is withheld to maintain economic value, or animals will simply be killed when they are sick, wasting a valuable life and protein source.

Addressing issues of antibiotic resistance are important and that is why Farm Bureau has actively engaged in efforts to better understand whether resistance in livestock and poultry is contributing to resistance in humans and what roles farmers and ranchers can play in reducing resistance. California farmers want to ensure that antibiotics remain effective so that they can treat sick animals as well as their own family. However, focus should be placed on efforts to address resistance rather than create costly reporting systems that don't do anything to change resistance. It is for this reason that Farm Bureau must respectfully oppose the proposed ordinance and requests that it be tabled.

Sincerely,



Noelle G. Cremers
Director, Natural Resources and Commodities

CC: Members, Public Safety and Neighborhood Services Committee
The Honorable Scott Wiener, Senate District 11
The Honorable David Chiu, Assembly District 17
The Honorable Philip Ting, Assembly District 19

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Thursday, September 07, 2017 5:15 PM
To: Dick-Endrizzi, Regina (ECN)
Cc: Sheehy, Jeff (BOS); Barnes, Bill (BOS); Calvillo, Angela (BOS)
Subject: RE: RE: BOS File No. 170763 [Environment Code - Antibiotic Use in Food Animals]

Categories: 170763


Thank you for the message.

I have added the communication to the official file for the ordinance.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 170763](#)

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

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From: Dick-Endrizzi, Regina (ECN)
Sent: Wednesday, September 06, 2017 6:31 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>
Cc: Sheehy, Jeff (BOS) <jeff.sheehy@sfgov.org>; Barnes, Bill (BOS) <bill.barnes@sfgov.org>
Subject: RE: BOS File No. 170763 [Environment Code - Antibiotic Use in Food Animals]

Dear Ms. Calvillo,

The Small Business Commission will not be hearing RE: BOS File No. 170763 [Environment Code - Antibiotic Use in Food Animals]. The attached letter provides the explanation as to the criteria used for the Commission not to hear the item.

Kindly,
Regina Dick-Endrizzi | Executive Director | Office of Small Business

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: Erica Major, Assistant Clerk, Public Safety and Neighborhood Services
Committee, Board of Supervisors

DATE: July 3, 2017

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS - SUBSTITUTE
Public Safety and Neighborhood Services Committee

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following substituted legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 170763

Ordinance amending the Environment Code to require certain retailers of raw meat and poultry to report the use of antibiotics in such products to the Department of the Environment, and require City departments to report the use of antibiotics in raw meat and poultry purchased by the City to the Department of the Environment.

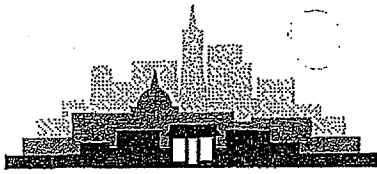
Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: 9/6/17

Not hearing - see attached letter
 Recommendation Attached

Chairperson, Small Business Commission

c: Menaka Mahajan, Small Business Commission



SAN FRANCISCO

OFFICE OF SMALL BUSINESS

CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

OFFICE OF SMALL BUSINESS
REGINA DICK-ENDRIZZI, DIRECTOR

September 6, 2017

Ms. Angela Calvillo, Clerk of the Board
City Hall Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: BOS File No. 170763 [Environment Code - Antibiotic Use in Food Animals]

Dear Ms. Calvillo,

The Small Business Commission will not be hearing BOS File No. 170763.

The Commission will not be hearing this legislation as it apply to grocers that “owns or operates 25 or more grocery stores anywhere”, as defined in Section 2702. Definitions, “Grocer”.

The Small Business Commission and Office of Small Business (OSB) would like to acknowledge the Department of the Environment (DOE) for taking a measured approach in developing such a regulatory policy. Currently, it could be challenging for small butchers and grocers to obtain and report the use of antibiotics in raw meat and poultry products.

The legislation requires that five years from the enactment date of this legislation the Director shall evaluate whether the reporting program continues to provide useful information to the public. In the event the Department of Environment deems it useful and plans to extend the reporting to small businesses, the Office of Small Business does request DOE include OSB in drafting any proposed ordinances.

Sincerely,

Regina Dick-Endrizzi
Director, Office of Small Business

cc: Jeff Sheehy, Board of Supervisors
Mawuli Tugbenyoh, Mayor’s Office
Deborah Raphael, Department of the Environment
Lisa Pagan, Office of Economic and Workforce Development

Carroll, John (BOS)

From: Board of Supervisors, (BOS)
Date: Monday, July 17, 2017 9:24 AM
To: BOS-Supervisors; Carroll, John (BOS)
Subject: FW: Testimony for Ordinance File No. 170763
Attachments: SF letter_Ordinance.pdf; Analysis of findings - SF.DOCX
Categories: 170763

From: Ginny Siller [mailto:GSiller@ahi.org]
Sent: Monday, July 17, 2017 7:02 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Testimony for Ordinance File No. 170763

To: The Public Safety and Neighborhood Services Committee
Attn: Ms. Erica Major, Clerk

On behalf of the Animal Health Institute, please find the attached witness testimony and analysis for submission on Ordinance File No. 170763 pertaining to reporting on the use of antibiotics.

Please let me know if you have any questions.

Thank you,
Ginny

Ginny Siller
Animal Health Institute
Director, Government Affairs
1325 G Street NW, Suite 700
Washington, DC 20005
Ph 202 662 4128
Fx 202 393 1667
www.ahi.org
www.healthyanimals.org

Ronald B. Phillips
Vice President, Legislative and Public Affairs

July 17, 2017

Ms. Erica Major
Clerk, Public Safety and Neighborhood Services Committee
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102

Dear Committee members:

We are writing to express strong opposition to File No. 170763 pertaining to reporting on the use of antibiotics. The Animal Health Institute is the trade association for research-based companies that make medicine for animals, including the antibiotics used to keep food animals healthy.

Antibiotic resistance is an important public health threat that is being addressed by policymakers at both the international and national levels. The Food and Drug Administration (FDA), working with cooperation from industry, has just implemented far-reaching changes on January 1, 2017, to the way antibiotics are used and regulated for animals in the United States. This proposed ordinance would have the singular effect of burdening and increasing costs to covered retailers in San Francisco and their customers.

Unfortunately, the ordinance is based largely on misinformation. Many of the findings in Sec. 2701 are either incomplete or simply false. Please see the analysis of these findings in an attachment to this letter.

The proposed ordinance requires certain retailers to produce data and information that is not available, thereby punishing retailers and their customers. Any information produced will only add to the confusion that this ordinance admits already exists.

On January 2, 2017, the FDA announced successful implementation of a new policy that eliminates the use of medically important antibiotics for promoting growth in animals, and requires all remaining uses to be under the supervision of a veterinarian. All remaining uses – those for disease treatment, disease control, and disease prevention – are considered by FDA to be therapeutic uses. They are therapeutic because they are targeting disease and pathogens – the FDA-approved label lists a specific disease or a specific pathogen against which the antibiotic will act. With veterinary oversight, that specific disease or pathogen must be threatening the health of the flock or herd before the antibiotic can be administered. “Routine” use no longer exists. Because of this new policy, medically-important antibiotics will be used in food animals only to fight disease under the supervision of a licensed veterinarian.

There are federal efforts underway to collect additional data and information about the use of antibiotics in food animals. The recently-passed federal budget for fiscal year 2017 provides funding for the U.S. Department of Agriculture to undertake several initiatives to better understand the levels, patterns, and

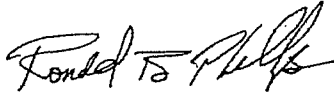
July 17, 2017

Page 2

drivers of antibiotic use and produce information that will help farmers and veterinarians make the best possible management decisions about the use of antibiotics.

This ordinance only produces additional burdens and confusion. This important public health issue is being addressed through national policies that have already been enacted, and we urge you to reject this proposal.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ronald B. Phillips".

Ronald B. Phillips

Analysis of Findings in File No. 170763

- (a) The first several items selectively cite the 2013 Centers for Disease Control report on Antibiotic Resistance Threats. That report enumerated 18 specific pathogens that comprise the largest threats and discussed the origins of each. Only two of the 18 have potential sources in agriculture. The statement in item (d) about agriculture being a “major” source of antibiotic resistance is not correct and does not reflect consensus opinion. All uses of antibiotics should be judicious, which is why the agriculture industry has worked with FDA to implement its Judicious Use Policy.
- (g) This items also selectively cites NARMS data. While selecting some data from the meat portion of the program, it fails to note that 80 percent of all Salmonella isolates in humans carry no antibiotic resistance – a number that has grown over the 20-year life of the NARMS program. The most recent FDA announcement of findings from the NARMS program cites several encouraging trends.
- (h) This item discusses resistance from the antibiotic colistin, which has never been used or approved for use in the United States.
- (i) This item inaccurately claims that growth promotion and disease prevention doses are the same. At the time the FDA program was implemented, there were no medically important compounds that had growth promotion and disease prevention claims that were the same. In all cases, either the dose or the duration, and usually both, were different.
- (j) This item incorrectly states the implementation data of the FDA program. The program was announced in 2013, but not implemented until January 1, 2017.
- (l) In fact, there IS a federal program in the United States to collect this information. The program is currently underway at the U.S. Department of Agriculture and was funding in the recent spending bill passed by Congress.
- (m) The California law mirrors the steps taken at the federal level for the whole country. So, while the California bill only applies to California, the same provisions are being implemented nationally by the FDA Judicious Use Policy and the USDA data collection program.
- (n) This is an argument for not passing this ordinance. There are federally approved labels that retailers must comply with to provide information to consumers on the use of antibiotics. This item claims – rightfully so – that the California state law only adds confusion. This local ordinance will add further confusion.
- (o) The proposed ordinance will only add greater confusion and burden.

Carroll, John (BOS)

From: Board of Supervisors, (BOS)
Sent: Monday, July 03, 2017 1:54 PM
To: jkaplan@nrdc.org
Cc: BOS-Supervisors; Carroll, John (BOS)
Subject: FW: Letter of support for antibiotics reporting ordinance (File 170763)
Attachments: Board of Supervisors Support 6.29.17.pdf

Categories: 170763

Hello,

Thank you for your email, it has been sent to the Board Members and will appear in the Petitions and Communications pages of our July 11, 2017 agenda. Looping in the Public Safety and Neighborhood Services Clerk to add it to the official file.

Regards,

Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102-4689
Phone: (415) 554-7703 | Fax: (415) 554-5163
Board.of.supervisors@sfgov.org | 415-554-5184

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The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

From: Kaplan, Jonathan [mailto:jkaplan@nrdc.org]
Sent: Thursday, June 29, 2017 5:51 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Kar, Avinash <akar@nrdc.org>; Sharma, Swati (ENV) <swati.sharma@sfgov.org>; Rodriguez, Guillermo (ENV) <guillermo.rodriguez@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>
Subject: Letter of support for antibiotics reporting ordinance (File 170763)

Dear Ms. Calvillo,

writing to submit a letter to the Board of Supervisors in support for legislation introduced by Supervisor Sheehy regarding the reporting and disclosure of livestock antibiotic use. The ordinance file number is 170763.

Thank you for your attention to this matter. Best Regards, Jonathan Kaplan

JONATHAN KAPLAN
*Director, Food &
Agriculture Program*

**NATURAL RESOURCES
DEFENSE COUNCIL**

111 SUTTER ST., 20TH FLOOR
SAN FRANCISCO, CA 94104
T 415.875.6130

**JKAPLAN@NRDC.ORG
NRDC.ORG**

Please save paper.
Think before printing.

Alliance of Nurses for a Healthy Environment • Antibiotic Resistance Action Center, Milken Institute School of Public Health, George Washington University • CALPIRG • Center for Food Safety • Center for Foodborne Illness Research & Prevention • Center for Science in the Public Interest • Clean Water Action • Environmental Working Group • Food & Water Watch • Food Chain Workers Alliance • Health Care Without Harm • Healthy Food in Health Care • Keep Antibiotics Working • Natural Resources Defense Council • Physicians for Social Responsibility, San Francisco Bay Area Chapter • Prevention Institute • Roots of Change • San Francisco Marin Medical Society • Distinguished individuals

June 29, 2017

Board of Supervisors
City and County of San Francisco
Board.of.Supervisors@sfgov.org

Re: Support for San Francisco Ordinance on Reporting of Antibiotic Use Policies Associated with Meat and Poultry (File No. 170763)

Dear Supervisors:

We, the undersigned, urge your support for San Francisco proposed legislation that would require large grocery chains in San Francisco to report to the City the antibiotic use policies associated with their fresh meat and poultry. The City could then analyze the information and share it with residents to inform their shopping decisions. While the chicken industry is changing rapidly in response to growing consumer demand for better practices, many producers and industry sectors (such as the pork and beef sectors) lag behind. Information on antibiotic use practices is lacking, except from a few companies that have restricted or eliminated their use of antibiotics. The proposed legislation would continue San Francisco's proud history of being at the vanguard of efforts to support consumers' right to information and to protect public health and the environment.

Prominent authorities like the Centers for Disease Control and Prevention (CDC) warn that antibiotic resistance is a public health crisis, leading to growing numbers of infections that can be difficult to treat, require longer and more expensive hospital stays, and are more likely to be fatal. While overuse of antibiotics in the healthcare sector is a factor in the rising rates of antibiotic resistance, the livestock

sector also plays a role—because 70% of all antibiotics that are important for human medicine (medically important antibiotics) sold in the United States are sold for use in poultry and livestock. Much of that use is on animals that are not sick.

Major scientific and health organizations like the CDC, World Health Organization (WHO), and the American Academy of Pediatrics (AAP) agree that inappropriate use of antibiotics in livestock endangers public health through the spread of antibiotic resistant bacteria from farms to the community, including on meat. The WHO, the AAP, and the European Medicines Agency/European Food Safety Authority recommend that antibiotics should only be used to control or treat bacterial infections.

The federal government's approach has a big loophole. The Food and Drug Administration has prohibited some uses of medically important antibiotics on animals that are not sick (to speed up animal growth), but continues to allow similar routine use of these drugs on healthy animals for other purposes (preventing disease in often unsanitary, stressful, and crowded conditions), facilitating continued overuse. California has stepped up by prohibiting all routine use of antibiotics in-state when animals are not sick (including for disease prevention) and by requiring monitoring of livestock antibiotics. But, the new law does not apply to out-of-state producers whose products are sold in San Francisco.

San Francisco's proposed legislation fills the gap by requiring grocers to report to the City the antibiotic use practices associated with each line of poultry or meat product sold in their stores. This would supplement the State's new law by providing San Franciscans information about meat and poultry produced outside California. The legislation is an important step forward for public health and environmental protections and consumers' right-to-know, and we urge your support.

Institutions

Avinash Kar
Senior Attorney
Natural Resources Defense Council

Barbara Sattler, RN, DrPH, FAAN
Professor, University of San Francisco*
Board Member
Alliance of Nurses for a Healthy Environment

Laura Rogers
Deputy Director
The Antibiotic Resistance Action Center
Milken Institute School of Public Health, The George Washington University

Jason Pfeifle
Public Health Advocate
CALPIRG

Tanya Roberts
Former Economist at USDA
Chair, Board of Directors

Center for Foodborne Illness Research & Prevention

Rebecca Spector
West Coast Director
Center for Food Safety

Michael F. Jacobson, Ph.D.
Executive Director
Center for Science in the Public Interest

Andria Ventura
Toxics Program Manager
Clean Water Action

Bill Allayaud
California Director of Government Affairs
Environmental Working Group

Patty Lovera
Assistant Director
Food & Water Watch

Joann Lo
Co-Director
Food Chain Workers Alliance

Lucia Sayre
Western U.S. Regional Director | National Leadership Team
Healthy Food in Health Care
Health Care Without Harm

Steven Roach
Food Safety Program Director, Food Animal Concerns Trust
Keep Antibiotics Working

Robert M. Gould, MD
President
San Francisco Bay Area Chapter
Physicians for Social Responsibility

Juliet Sims
Associate Program Director
Prevention Institute

Michael Dimock
President
Roots of Change

Steve Heilig, MPH
Director of Public Health and Education
San Francisco Marin Medical Society[^]

Individuals

Michael J. Martin, MD, MPH, MBA
Associate Clinical Professor
*Department of Epidemiology and Biostatistics, University of California, San Francisco**

Joan Casey, PhD
Postdoctoral Scholar
Department of Environmental Science, Policy, and Management
*University of California at Berkeley**

Daphne Miller, MD
Family Physician
*Associate Clinical Professor, University of California San Francisco**

Jay Graham, PhD, MPH
Program Director
*Public Health Institute**

Lee Riley, MD
Professor and Head, Division of Infectious Diseases and Vaccinology
*School of Public Health, University of California, Berkeley**

* For identification purposes only

[^] in both an individual and institutional capacity

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Naomi Kelly, City Administrator, Office of the City Administrator
Barbara A. Garcia, Director, Department of Public Health
Deborah Raphael, Director, Department of the Environment
John Rahaim, Director, Planning Department

FROM: John Carroll, Assistant Clerk, Public Safety and Neighborhood
Services Committee, Board of Supervisors

DATE: September 21, 2017

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following substitute legislation, introduced by Supervisor Sheehy on September 19, 2017:

File No. 170763

Ordinance amending the Environment Code to require certain retailers of raw meat and poultry to report the use of antibiotics in such products to the Department of the Environment, and require City departments to report the use of antibiotics in raw meat and poultry purchased by the City to the Department of the Environment.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Lynn Khaw, Office of the City Administrator
Greg Wagner, Department of Public Health
Colleen Chawla, Department of Public Health
Guillermo Rodriguez, Department of the Environment
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department

BOARD of SUPERVISORS



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Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: Erica Major, Assistant Clerk, Public Safety and Neighborhood Services
Committee, Board of Supervisors

DATE: July 3, 2017

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS - SUBSTITUTE
Public Safety and Neighborhood Services Committee

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following substituted legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 170763

Ordinance amending the Environment Code to require certain retailers of raw meat and poultry to report the use of antibiotics in such products to the Department of the Environment, and require City departments to report the use of antibiotics in raw meat and poultry purchased by the City to the Department of the Environment.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

No Comment
 Recommendation Attached

Chairperson, Small Business Commission

c: Menaka Mahajan, Small Business Commission

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Naomi Kelly, City Administrator, Office of the City Administrator
Barbara A. Garcia, Director, Department of Public Health
Deborah Raphael, Director, Department of the Environment
John Rahaim, Director, Planning Department

FROM: Erica Major, Assistant Clerk, Public Safety and Neighborhood Services
Committee, Board of Supervisors

DATE: July 3, 2017

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following substitute legislation, introduced by Supervisor Sheehy on June 27, 2017:

File No. 170763

Ordinance amending the Environment Code to require certain retailers of raw meat and poultry to report the use of antibiotics in such products to the Department of the Environment, and require City departments to report the use of antibiotics in raw meat and poultry purchased by the City to the Department of the Environment.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Lynn Khaw, Office of the City Administrator
Greg Wagner, Department of Public Health
Colleen Chawla, Department of Public Health
Guillermo Rodriguez, Department of the Environment
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department

BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

MEMORANDUM

TO: Naomi Kelly, City Administrator, Office of the City Administrator
Barbara A. Garcia, Director, Department of Public Health
Deborah Raphael, Director, Department of the Environment
John Rahaim, Director, Planning Department

FROM: Erica Major, Assistant Clerk, Public Safety and Neighborhood Services
Committee, Board of Supervisors

DATE: June 26, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Sheehy on June 20, 2017:

File No. 170763

Ordinance amending the Environment Code to require certain retailers of raw meat and poultry to report the use of antibiotics in such products to the Department of the Environment, and require City departments to report the use of antibiotics in meat purchased by the City to the Department of the Environment.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Lynn Khaw, Office of the City Administrator
Greg Wagner, Department of Public Health
Colleen Chawla, Department of Public Health
Guillermo Rodriguez, Department of the Environment
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department

BOARD of SUPERVISORS



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San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: Erica Major, Assistant Clerk, Public Safety and Neighborhood Services
Committee, Board of Supervisors

DATE: June 26, 2017

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Public Safety and Neighborhood Services Committee

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 170763

Ordinance amending the Environment Code to require certain retailers of raw meat and poultry to report the use of antibiotics in such products to the Department of the Environment, and require City departments to report the use of antibiotics in meat purchased by the City to the Department of the Environment.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

- No Comment
- Recommendation Attached

Chairperson, Small Business Commission

c: Menaka Mahajan, Small Business Commission

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

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Time stamp
or meeting date *[Signature]*

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

[Handwritten Signature]

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