



Northeast Dairy Producers Association, Inc.

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January 23, 2024

Re: Health and Mental Hygiene (S.8307/A.8807) Part U - Executive Budget Proposal

Senator Krueger and Assemblymember Weinstein,

On behalf of the Northeast Dairy Producers Association (NEDPA), I am writing to express concerns with the Executive Budget proposal to amend subdivision (c) of schedule III of section 3306 of the public health law to add paragraph 16 xylazine. The proposed legislation to make xylazine a controlled substance in the state of New York without maintaining legal veterinary use jeopardizes animal welfare and human safety.

NEDPA is a farmer-led organization of dairy producers and industry partners committed to an economically viable, consumer-conscious dairy industry dedicated to the care and well-being of our communities, our environment, our employees, and our cows. Our membership represents 246,000 milking cows and approximately half the milk produced in New York State, where dairy is the largest agriculture industry.

NEDPA is concerned with the crisis resulting in human deaths and injuries from the illicit use of xylazine. We support the veterinary community's commitment to responsible drug use, storage, and record keeping, including the legal use of xylazine in cattle. We have significant concerns that scheduling xylazine as proposed will have a significant impact on how New York veterinarians can care for our cattle, and we support solutions proposed by the American Association of Bovine Practitioners, which have been implemented in other states and are being considered in federal legislation.

Xylazine is a critical drug used to safely sedate cattle. Cattle are especially sensitive to its effects, resulting in very low doses being used to achieve a level of sedation. The veterinary industry uses it routinely for the sedation of cattle for a variety of procedures including abdominal surgery in the field, castration, and disbudding and dehorning young calves. Additionally, it is used for sedation prior to administering euthanasia methods to calm the animal and make it easier and safer for caregivers on farms to perform the procedure, and to help facilitate the examination of fractious animals. It is also used in slaughter facilities to sedate non-ambulatory or injured animals prior to euthanasia to protect human safety for animals that will not enter the food

supply chain. There are no alternatives available to cattle veterinarians and farmers. Xylazine is important not only for animal welfare for the above procedures, but also for animal safety and human safety. This medication can have its effects reversed with the antidote that is available in animals.

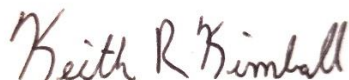
A blanket scheduling of xylazine will likely have unintended consequences for veterinarians and farmers. Xylazine is dispensed as a prescription medication to our producers and to slaughter plant employees for use under a valid veterinarian-client-patient relationship (VCPR) where it can be used for the procedures described above. Its ethical and safe use is facilitated by the veterinary community's regular oversight, repeated training, and careful review of on-farm usage records. Xylazine would no longer be able to be used in this manner if it is scheduled without a veterinary exemption.

Xylazine has been safely used in veterinary medicine for over 50 years. There is no evidence that the illicit use of xylazine is the result of diversion of the approved veterinary product which is an injectable FDA approved solution. Diversion is occurring from the illegal importation of the raw active pharmaceutical bulk powder, much as is occurring with other illicit drug use.

For these reasons, we propose legislative changes to the regulation of xylazine include language that would exempt the veterinary use of the product and that veterinary use of xylazine remain as a prescription medication for New York veterinarians to use in their current course of practice. We hope that federal language passed by the US House of Representatives in the SUPPORT Act will offer a resolution to this problem nationally if similar language passes in the Senate. Other states have also proposed solutions by mimicking that federal language which would schedule the illicit (human) use of xylazine while offering an exemption for veterinary use.

Please utilize NEDPA and the veterinary community as a resource to ensure that cattle veterinarians in New York and the producers they work with maintain their access to xylazine to advance the care and welfare of NYS cattle, as well as protecting the safety of NYS agricultural workers.

Sincerely,

A handwritten signature in dark ink that reads "Keith R. Kimball". The signature is written in a cursive, slightly slanted style.

Keith Kimball, NEDPA Chair