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HUMANE SLAUGHTER UPDATE

COMPARING STATE AND FEDERAL ENFORCEMENT
OF HUMANE SLAUGHTER LAWS

Animal Welfare Institute
September 2010



Enforcement of Humane Slaughter Laws Has Increased at Both the State and Federal Levels but Remains Low and Inconsistent

OVERVIEW

In early 2008, multiple incidents of egregious cruelty to cattle at the Westland-Hallmark Meat Packing Co. in Chino, California, caught on videotape by animal protection advocates, resulted in widespread public outrage and eventually led to the largest beef recall in the history of the U.S. These incidents occurred despite the continual on-site presence of U.S. Department of Agriculture (USDA) inspection personnel and the performance of periodic third-party humane slaughter audits at the plant.

Congress held multiple oversight hearings on humane slaughter in the wake of the Westland-Hallmark case, and the USDA took several actions to step up its enforcement of the federal Humane Methods of Slaughter Act, including conducting an audit of slaughter plants at high risk for humane violations, temporarily increasing the time spent verifying humane handling and slaughter requirements, and issuing various humane slaughter notices and training modules for in-plant inspection personnel.

The research described in this report looked at humane slaughter enforcement—both state and federal—in the aftermath of the Westland-Hallmark incident. Findings of the research include:

- **State and federal humane slaughter enforcement was up but varied widely among individual states and among individual federal districts.** The number of federal suspensions for humane violations increased 7-fold from 2006-2007 to 2008-2009; state suspensions

were up sharply as well. However, some states offered no evidence of any enforcement, and enforcement differed dramatically among federal districts.

- **Repeat state and federal violators present a major enforcement problem.** Numerous examples of repeat violators were found, including a Wisconsin state plant that was cited for humane violations 34 times in a 20-month period and a North Carolina federal plant that was closed down 8 times in 30 months for incidents of inhumane slaughter.
- **State and federal inspection personnel have inadequate training in humane enforcement and inadequate access to humane slaughter expertise.** Enforcement documents reveal that inspectors react differently when faced with similar violations. Federal inspectors have limited access to humane slaughter experts, while states known to employ veterinary humane slaughter specialists generally have higher enforcement rates.
- **Humane enforcement was up at state and federal levels but remained low in comparison with other aspects of food safety enforcement.** Enforcement was up in terms of the issuance of noncompliance records and suspensions at state inspected plants and suspensions at federal plants. While allocation of resources to humane slaughter activities appears to have increased for state plants, resources devoted to humane handling at the federal level continue to constitute less than 2% of total funding for food safety inspection.

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About the research

This report presents the findings of a survey of state and federal humane slaughter enforcement conducted between November 2009 and March 2010 by the Animal Welfare Institute (AWI). While other entities, including the Government Accountability Office (GAO), have studied federal humane slaughter enforcement, AWI is the first to conduct a review of humane slaughter at the state level.

The survey was undertaken as an update to a comprehensive, 10-year review of humane slaughter enforcement published by AWI in May 2008. The current study aims 1) to determine whether humane slaughter enforcement increased between the years 2008 and 2010 and 2) to compare state and federal enforcement of humane slaughter laws.

Data used to analyze humane slaughter enforcement was obtained from public record requests submitted to state and federal departments of agriculture and from records posted on the USDA website.

The research was conducted by Dena Jones and Deborah Press of AWI, with the assistance of Sarah Schanz.

About the Animal Welfare Institute

Since its founding in 1951, AWI has been alleviating suffering inflicted on animals by people. Major goals of the organization include abolishing factory farms and achieving humane slaughter for all animals raised for food. AWI seeks to achieve these goals through research, investigation, education, and lobbying on behalf of animals.

Related Materials

This report expands on the findings of previous research conducted by AWI: *Crimes without Consequences: The Enforcement of Humane Slaughter Laws in the United States*, May 2008 (143 pp).

The previous report, along with additional information, including a regularly updated listing of slaughter plants that have been suspended for violating the Humane Methods of Slaughter Act, is available on AWI's website at www.awionline.org.

OVERVIEW OF HUMANE SLAUGHTER ENFORCEMENT

In the United States, approximately 10 billion animals are killed for food each year. The USDA's Food Safety and Inspection Service (FSIS) is charged with inspecting slaughtering operations to ensure that meat animals, excluding birds and rabbits, are killed according to the federal Humane Methods of Slaughter Act. This law requires that animals be made insensible to pain by "a single blow or gunshot or an electrical, chemical or other means that is rapid and effective" prior to being shackled, hoisted, or cut. The law also provides for the humane handling of animals on the premises of a slaughtering establishment up to the point of slaughter. (Figure 2 on the following page illustrates key requirements of the federal Humane Methods of Slaughter Act.)

There are generally three types of slaughter plants operating within the U.S. – federally inspected for interstate commerce, state inspected for intrastate commerce, and custom exempt for personal, non-commercial use. A large majority of the animals killed for food in the U.S. each year are slaughtered at federally inspected plants.

The designated status of an individual slaughter plant as being either federally or state inspected does not necessarily indicate what agency is responsible for conducting oversight, including matters related to humane slaughter. Some plants under federal oversight are inspected by employees of state agricultural agencies and federal personnel inspect some plants under state oversight.

Currently, 27 states run their own meat inspection programs (see Figure 1) in cooperation with FSIS, which provides up to 50% of the funding. These states inspect intrastate and custom slaughter plants within their state, with enforcement standards at least equal to those imposed under federal meat inspection laws, including the Humane Methods of Slaughter Act. FSIS certifies state inspection programs annually based on the state's self-assessment, as well as FSIS reviews that are performed every one to five years.

Figure 1. Meat Animal Slaughter Plants in the U.S. (2010)

FEDERALLY INSPECTED – 834 plants

STATE INSPECTED BY USDA – 480 plants

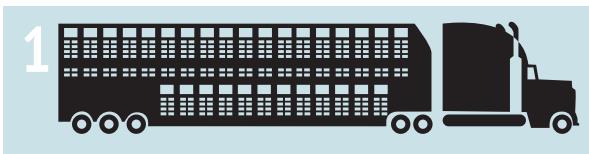
STATE INSPECTED BY STATE DEPARTMENTS OF AGRICULTURE – 1,437 plants*

STATES OPERATING MEAT INSPECTION PROGRAMS

Alabama	Illinois	Louisiana	Missouri	Ohio	Texas	West Virginia
Arizona	Indiana	Maine	Montana	Oklahoma	Utah	Wisconsin
Delaware	Iowa	Minnesota	North Carolina	South Carolina	Vermont	Wyoming
Georgia	Kansas	Mississippi	North Dakota	South Dakota	Virginia	

* Excludes small number of plants in Vermont and Maine that are grouped by USDA under "New England" and not reported separately.

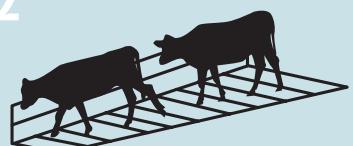
Figure 2. Humane Handling and Slaughter Requirements



1. ARRIVAL AT SLAUGHTER PLANT

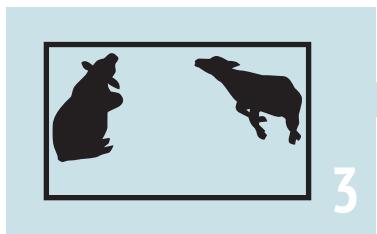
Humane regulations apply from the time a truck enters the property of a slaughter establishment. Any animal unable to walk off the truck must be moved on suitable equipment or stunned. Dragging of conscious animals is prohibited.

2



2. UNLOADING FROM TRUCK

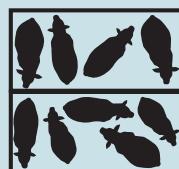
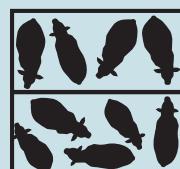
Driving of animals off trucks and down ramps must be done with a minimum of excitement and discomfort. Animals are not to be forced to move faster than a normal walking speed. Ramps should provide good footing so animals do not slip or fall.



3

3. HANDLING OF DISABLED ANIMALS

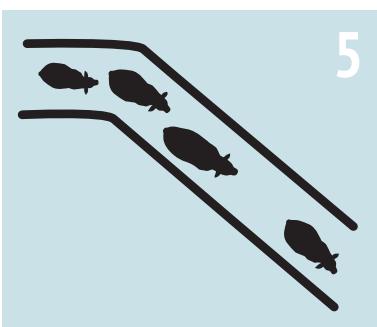
Disabled animals must be separated from ambulatory animals and placed in a covered pen sufficient to protect them from any adverse climatic conditions.



4

4. CONDITION OF HOLDING PENS

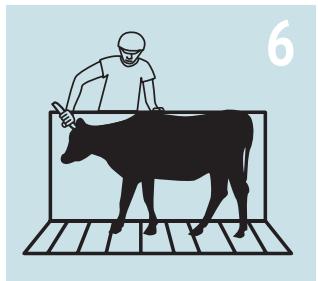
Animals must have access to water and, if held over 24 hours, access to feed. Sufficient room must be provided for animals held overnight to lie down. Pens must be kept in good repair and be free from sharp corners that might cause injury or pain to the animals.



5

6. STUNNING

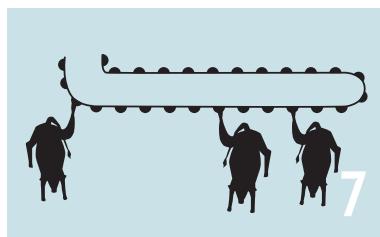
Regardless of the method used—gas, electrical, captive bolt or gunshot—stunning must be applied so that the animal is rendered unconscious on the first attempt and with a minimum of excitement and discomfort.



6

5. MOVING TO STUNNING AREA

Electric prods shall be used as little as possible. Pipes, sharp or pointed objects, and other items that would cause injury or pain to the animal are not to be used. Driveways must have slip resistant floors and should be arranged so that sharp corners are minimized.



7

7. SLAUGHTER

Animals must be unconscious before they are shackled, hoisted, or cut. The animal is to remain in this condition throughout the shackling, sticking, and bleeding process. Any animal showing signs of consciousness must be immediately re-stunned.

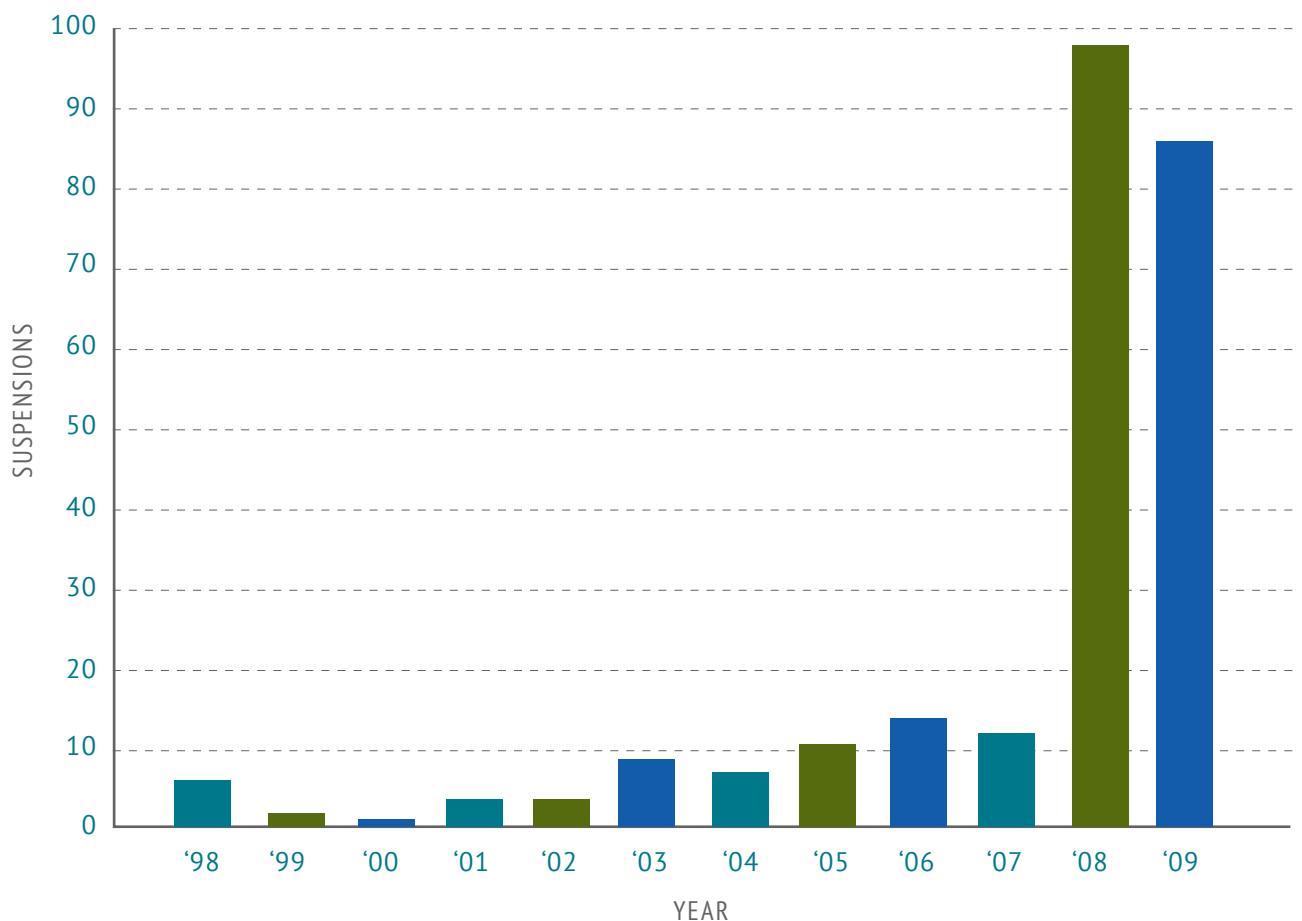
ENFORCEMENT UP BUT UNEVEN

Federal and state departments of agriculture may take regulatory actions against an individual slaughter plant because of its inhumane handling or slaughter of animals. Regulatory actions available to agriculture agencies include: 1) the application of “reject tags” (which prevent use of specific equipment or areas of a plant until the deficiency is corrected); 2) issuance of noncompliance records (NR), notices of intended enforcement, and letters of warning; 3) suspension of inspection; and 4) withdrawal of inspection.

Federally inspected plants

For the 10-year period 1998 through 2007, a total of only 71 suspensions were issued to federally inspected plants for violations of humane handling and humane slaughter regulations. In 2008 and 2009 following the Westland-Hallmark incident, however, federal suspensions increased dramatically (Figure 3).

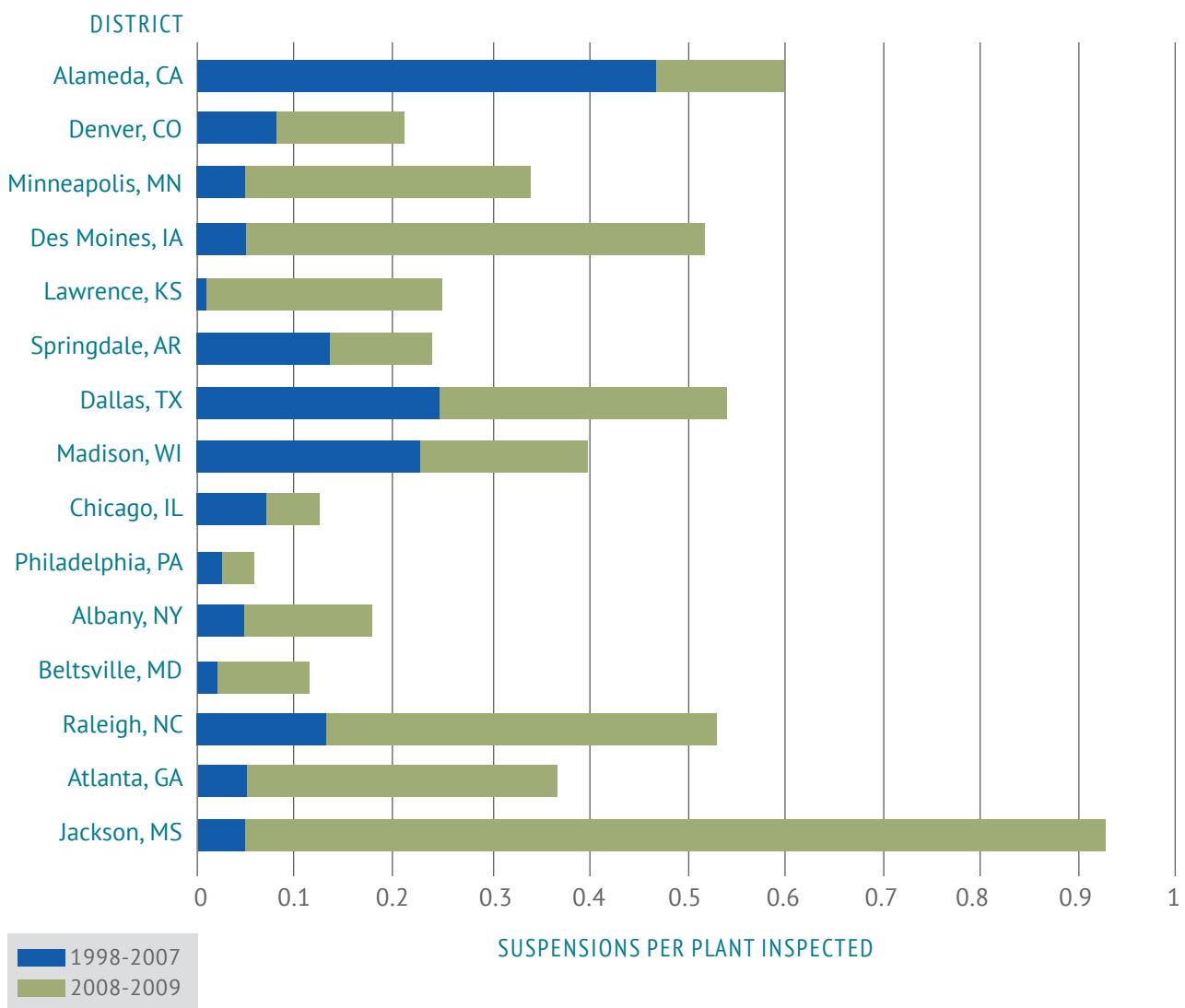
Figure 3. Federal Suspensions by Year, 1998-2009



Federal humane slaughter enforcement is conducted by 15 FSIS district offices. The number of slaughter plants each office inspects varies considerably—from approximately 20 to over 100. Two of the offices cover individual states (an office each for California and Texas), while the remainder cover anywhere from 2 to 12 states and territories.

AWI was the first, in its 2008 report, to call attention to the wide disparity in enforcement efforts among federal district offices, an observation mirrored in a March 2010 report by the Government Accountability Office (GAO)—*Humane Methods of Slaughter Act: Weaknesses in USDA Enforcement*. The rate of plant suspensions varied significantly among districts between 1998 and 2009, as depicted in

Figure 4. Suspension Rate by Federal District, 1998-2009



State	NONCOMPLIANCE RECORDS		SUSPENSIONS	
	2002-2004	2007-2009	2002-2004	2007-2009
Alabama	0	7	0	0
Arizona	0	0	0	0
Delaware	0	0*	0	0*
Georgia	0	5	0	0
Illinois	0	1	0	1
Indiana	3	4	0	0
Iowa	0	12	0	0
Kansas	2	12	0	0
Louisiana	0	0	0	0
Maine	0	2	0	0
Minnesota	2	5	1	0
Mississippi	0	3	0	0
Missouri	0	4	0	0
Montana	0	1	0	0
North Carolina	7	23	0	4
North Dakota	1	6	0	0
Ohio	10	51	1	0
Oklahoma	1	13	0	0
South Carolina	1	28	1	2
South Dakota	0	0**	0	0**
Texas	41	59	0	2
Utah	0	0**	0	0**
Vermont	0	0	0	0
Virginia	0	0	0	0
West Virginia	0	21	0	0
Wisconsin	4	121	0	3
Wyoming	0	32	0	0
TOTAL	72	410	4	12

Figure 5. State Enforcement Actions

* State had no licensed meat slaughter plants during the period.

** State did not respond to request for enforcement records.

Figure 4 at left. The Alameda, CA, district had the highest rate of suspensions from 1998 through 2007, while Jackson, MS, (covering Alabama, Mississippi and Tennessee) and Des Moines, IA, (covering Iowa and

Nebraska) had the highest rate from 2008 to 2009. The Philadelphia, PA, district (covering Pennsylvania and New Jersey) had the lowest rate of suspensions for the entire 1998-2009 period.

**South Carolina,
Wisconsin, and
Wyoming had the
highest rate of NRs
followed by Texas,
West Virginia, and
North Carolina.**

State inspected plants

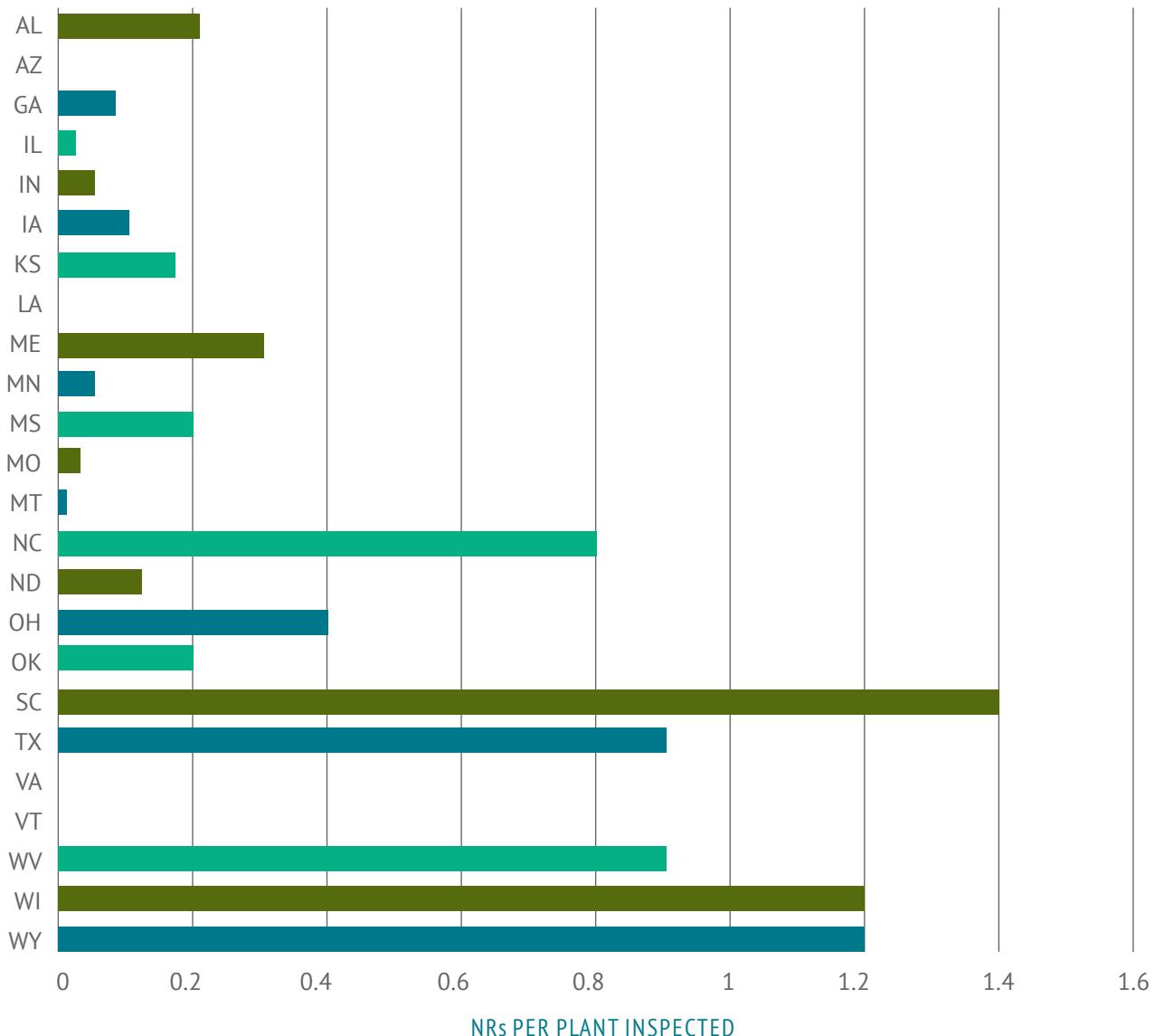
Research conducted for AWI's 2008 report, which reviewed state enforcement records for the three-year period, 2002 through 2004, documented so few enforcement actions that drawing conclusions was difficult. For those years, a total of only 72 noncompliance records and 4 suspensions were located for all states operating meat inspection programs.

Enforcement increased significantly in many states from 2007 through 2009, with a total of 410 noncompliance records and 12 suspensions documented (Figure 5), increases of 470% and 200%, respectively, compared to the period 2002 through 2004.

Some states take a significantly greater number of enforcement actions than others. Four states reported no noncompliance records for the period 2007-2009, indicating that no humane violations were cited at any of their inspected plants during this period (Figure 5). In addition, two states did not respond to the request for enforcement records, leaving open the possibility that they also have no records for the period. On the other hand, three states provided a relatively large number of records: Wisconsin with 121 noncompliance records and 3 suspensions, Texas with 59 noncompliance records and 2 suspensions, and Ohio with 51 noncompliance records and 0 suspensions (Figure 5).

Because the number of plants inspected varies widely by state, the number of enforcement actions per plant inspected must be calculated in order to compare enforcement rates. Figure 6 identifies South Carolina, Wisconsin, and Wyoming as the states with the highest rate of noncompliance records for humane violations during the period, followed by Texas, West Virginia, and North Carolina.

Figure 6. Non-compliance Record Rate by State, 2007-2009



STATE ENFORCEMENT CATCHING UP WITH FEDERAL

The previous section described a dramatic increase in state humane slaughter enforcement between 2002-2004 and 2007-2009. Comparing enforcement at state inspected slaughter plants with enforcement at federally inspected plants is difficult due to differences in the type of facilities inspected and the number of animals killed. Federally inspected plants were issued three times as many noncompliance records and fourteen times as many suspensions as state inspected plants in 2009 (Figure 7); however, far more animals are killed at federal plants, and therefore a higher level of enforcement is to be expected. The rate of suspension (% of noncompliance records that result in suspension) and the amount of time spent on humane activities may be more useful measures of enforcement than the number of NRs or suspensions.

According to the 2010 GAO report, *Humane Methods of Slaughter Act: Weaknesses in USDA Enforcement*, the amount of time spent by FSIS inspectors on humane handling activities at 15 large pig slaughter plants in 2008 varied from 1.8 hours per shift to 9.7 hours per shift. While AWI did not specifically request humane activity hours in its public records requests, three states submitted this data. Georgia and North

Figure 8. State Humane Activities Tracking*

	Non-Vet Hrs	Vet Hrs	Total Hrs
Georgia (4/07-10/09):	10.04	0.70	10.74
North Carolina (4/08-10/09):	11.05	1.40	12.45

* Average time reported spent per slaughter plant per month on humane activities during the indicated period.

Carolina reported their inspectors spent 10-12 hours *per month* on humane verification activities (Figure 8). It is impossible to estimate the number of hours spent per shift from this data since many state level plants slaughter animals only a few days each month; however, it is likely that the average amount of time spent is significantly less than 2 hours per slaughter day.

Figure 7. State vs. Federal Humane Slaughter Enforcement (2009)

	State	Federal
Noncompliance Records	151	500
Suspensions	6	87
Suspension rate	4%	17%
Number of plants inspected	1,461	818

Data supplied by Maine indicated that inspectors in that state spent on average 0.25 hours per slaughter day per plant, and 0.04 hours per animal slaughtered, on humane activities in 2008. In 2009 the average amount of time spent increased to 1.3 hours per day per plant and 0.21 hours per animal slaughtered. It is suspected that the total amount of time spent per plant is higher at federal level plants, given the larger number of animals killed, while the more relevant indicator of time spent per animal may actually be higher at state plants.

VIOLATIONS SIMILAR AT STATE AND FEDERAL LEVEL PLANTS

In its 2008 study, AWI reported on the types of humane violations cited at federally inspected plants (for the period 10/1/02 through 3/31/04) and at state inspected plants (for the period 1/1/02 through 12/31/04), although the small number of state records limited the usefulness of the latter analysis. AWI again analyzed types of noncompliances cited at state inspected plants for the period 2007-2009 and found similarities to the earlier findings for federally inspected plants (Figure 9).

The two main differences between the results for state and federal level plants are that 1) “failure to provide water and/or feed” was cited significantly more often at state inspected plants and 2) “improper handling of disabled animal” was cited more often at federally inspected plants.

Figures 10 and 11 present examples of state humane slaughter and humane handling violations, respectively.

Figure 9. Types of Violations at State versus Federal Inspected Plants

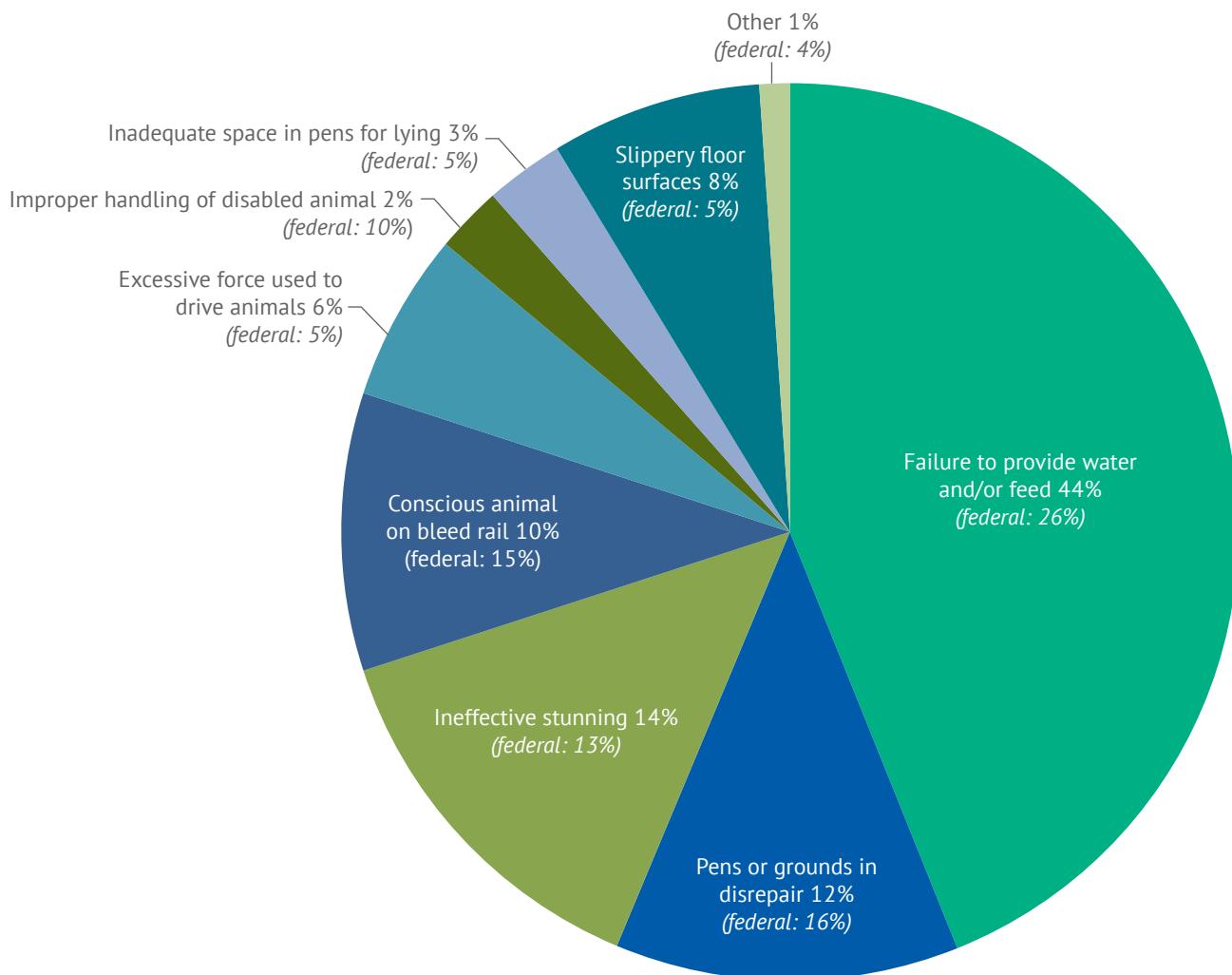


Figure 10. Examples of State Humane Slaughter Violations

GUNSHOT STUNNING

"I heard the rifle (22 mag.) go off twice and I heard the hog squeal each time. As I exited the cooler I heard the rifle go off and the hog squealed again. When I got to the stunning area the hog was down but he was not dead. He was shaking his head continually. [Plant personnel] were in the front office trying to reload the gun. By the time they got back to the stunning area the hog had stood up and was pacing back and forth in agony. The stunner ... shot the animal again with the rifle but the shot did not kill him. They returned to the office to get another bullet. By this time the animal is agitated and is trying to get out of the cage. The employees attempted to shoot the animal again outside the knock box area and missed. By this time [plant owner] has arrived and she has a 357 magnum pistol. The animal is shot again with the pistol twice."

"While performing routine slaughter inspections, I observed two different plant employees repeatedly (6-8 times) attempt to stun a 300 pound hog with a 22 rifle. Most of the attempts were made while the animal was still in the knock box, but it did not become insensible until after 2-3 more shots. After a total of at least 10 attempts, the animal was unconscious and able to be shackled and hoisted."

ELECTRICAL STUNNING

"Plant employees were stunning pigs using a standard electrical stunning device. They were stunning, hoisting, and then sticking the pigs to bleed out, two pigs at a time. I noticed the pigs were starting to blink their eyes and look around before and/or during the initial sticking. The following two pigs became conscious while being stuck and I then stopped any further kill. [Plant owner] informed plant employee to only do one pig at a time and he felt employee was not moving fast enough to be effective before the pigs were gaining consciousness. [Inspection personnel] and I observed the next pigs being processed. The second pig stunned started blinking and looking around while the shackle was being applied to be hoisted. I also noticed the stunner was not placed on the pig in the recommended area of the head to effectively stun the pig."

CAPTIVE BOLT STUNNING

“This morning at approximately 7:25 AM while on the kill floor observing [plant personnel] stun a Holstein steer I noticed the steer was still alive after being stunned: the eyes blink three or four times. The steer was shackled and hoisted but before sticking and bleeding I told [owner] the steer was still alive and asked [him] to stun it again. He did not do it and I asked him again to stun the steer. He walked over to the steer and severed the spinal cord at the back of the head.”

“I was observing the stunning of a calf with a mechanical bolt gun. Calf appeared to be stunned until it was being stuck to bleed out when it let out a beller. It was starting to arch its back and the eyes were moving. I immediately had the employee restun the animal and then proceed to stick it to bleed out. I asked the employee when he cleaned the mechanical bolt gun last and he said ‘last month.’”

Figure 11. Examples of State Humane Handling Violations

(cont. page 12)

EXCESSIVE USE OF FORCE TO MOVE ANIMALS

“[Inspection personnel] was observing a trailer unload a hog. While observing this procedure, he heard an unusual amount of vocalization from hogs in the chute across the parking lot. While in process of crossing the parking lot that is approximately 25 yards wide he observed the plant employee attempting to move the vocalizing animal with the shaker paddle. When this appeared to not be successful, the plant employee swung the restraining gate and struck the hog [with the gate].”

“A customer arrived on the premises with a young bull. The bull was resistant to come off of the trailer and the plant employee gave the paddle to the customer and told him to unload the animal. During the process, the customer was seen hitting the bull about 5 times in the head with the paddle.”

EXCESSIVE USE OF FORCE TO MOVE ANIMALS

“During the slaughter of lambs I observed on two separate occasions where a lamb jumped over the stunning chute side and two different employees proceeded in picking up the lamb by the wool on its back and threw it back over the side panel into the stunning chute. Both times the lamb’s legs did not clear the side panel and the lamb landed on its side and/or back.”

“At establishment’s livestock unloading area an average size hog was improperly pulled off truck by both ears. The new employee pulled hog approximately 2-3 feet until entering designated pen area. As a result, the hog fell to the ground due to mishandling of livestock.”

IMPROPER HANDLING OF SICK, DISABLED ANIMALS

“[Inspection personnel] was leaving the building and observed a truck and trailer arrive and back up the loading ramp. The unloading proceeded uneventfully until the final pig, larger than the others, began to slip on the metal floor. Once the pig began to slip and fall it panicked and struggled from the front to the back of the trailer where it collapsed, exhausted and trembling. The trucker walked over to the pig, now in ventral recumbency, and said, raising the tattoo hammer which he has been using, “You better get up or I will hit you with this hammer!” [Inspection personnel] replied, ‘If you do, I will close down this plant!’”

“When arriving I found one employee and owner of the hog unloading the hog. It was shackled and they were beginning to drag it off the trailer. I stopped the shackle and hoist chain was removed and with help the hog slowly walked into the holding pens.”

“[Inspection personnel] observed a plant employee repeatedly beating a market hog with a plastic shaker paddle. The hog was recumbent and unable to rise. The hog had injuries or disease to the back legs.”

“[I] observed an employee (new) shackling, dragging, and hoisting a live custom hog that was down off the farmer’s trailer to unload as it could not walk.”

PLANT SIZE MAKES A DIFFERENCE

Plant size at the federal level is defined as follows:

Very small—Fewer than 10 employees or annual sales of less than \$2.5 million

Small—10 to 500 employees

Large—More than 500 employees

Information regarding plant size at the state level is unavailable, and all state inspected plants are generally very small in size. Consequently, enforcement comparisons by size of plant were conducted for federally inspected plants only.

Figure 12 shows that a higher percentage of large than small or very small federal level plants were suspended for humane violations in 2008 and 2009. This higher rate of suspension for larger plants may reflect the fact that a greater number of animals are slaughtered at these establishments, or that more inspectors are present to witness violations. GAO's 2010 report on humane slaughter reported that in response to hypothetical scenarios, inspectors-in-charge at large plants were more likely than inspectors at very small plants to suspend operations for certain violations, including multiple incorrect electrical stuns, driving animals over top of others, and excessive electrical prodding of animals.

**Figure 12.
Federal
Suspensions
by Plant Size
(2008-2009)**

PLANT SIZE	PLANTS SUSPENDED	TOTAL # OF PLANTS	% SUSPENDED*
Large	25	63	39.7
Small	46	188	24.5
Very Small	58	531	10.9

**Percent of plants suspended at least once during indicated time period*

Figure 13. Average Length of Federal Suspensions (2008-2009)

LARGE PLANTS	Less than 1 day
SMALL PLANTS	1.6 days
VERY SMALL PLANTS	3.6 days

Large federally inspected plants may be suspended for humane violations more frequently than small or very small ones, but they remain shut down for a considerably shorter period of time (Figure 13). In fact, no large plant in the U.S. was suspended for more than a day during 2008-2009. This finding may reflect the fact that large establishments possess greater resources that permit them to respond more quickly to a reported deficiency, or they may exert greater political influence with federal regulators, helping them to get their suspension stayed sooner.

REPEAT VIOLATORS PRESENT A SERIOUS ENFORCEMENT PROBLEM

AWI's review of humane slaughter enforcement records revealed that repeat violators represent a significant problem at both the federal and state levels.

Federally inspected plants

In its 2008 report, AWI identified several instances of slaughter plants being cited for multiple violations in a relatively short period of time: Tyson Fresh Meat plant in Geneseo, IL, received 10 noncompliance records in a one-year period; Nebraska Beef in Omaha, NE, received 12 noncompliance records in a six-month period; and Shapiro Packing in Augusta, GA, was cited 7 times in ten months. Moreover, a 2004 report by the GAO on federal humane slaughter enforcement (*Humane Methods of Slaughter Act: USDA Has Addressed Some Problems but Still Faces Enforcement Challenges*) cited one case where an inspector wrote up 16 separate incidents of inhumane handling or slaughter at one federal level plant.

In theory, the economic consequences of a plant suspension, handed out for multiple and/or egregious violations, should serve as a deterrent to future offenses. Unfortunately, that isn't always the case, perhaps in part because plants are typically shut down for such short periods of time. A number of federal plants have had multiple suspensions for humane slaughter violations in the past 3 years. Five plants were suspended at least three times each in 2008, and four others were suspended a minimum of three times each in 2009. In two of the worst examples, A & D Meat Processing of Chapel Hill, TN, was closed down on five occasions for humane violations in 2008 alone, and Robersonville Packing of Robersonville, NC, was suspended a staggering eight times between May 2007 and November 2009.

The enforcement record of Bushway Packing, Grand Isle, VT, with four suspensions for the same problem (improper handling of non-ambulatory animals) within a six-month period, provides a striking illustration of how the current USDA practice of issuing noncompliance records and short-term suspensions is not adequately addressing deficiencies in slaughter plant humane handling practices:

- May 13, 2009—Plant suspended for one day following observation of a non-ambulatory, week-old calf being dragged while conscious.
- June 24, 2009—Plant suspended for one day following observation of an employee picking up a calf and dropping the animal from the upper compartment of a truck to the lower level, landing on his head and side.
- July 1, 2009—Plant suspended for one day following observation of an employee dragging two non-ambulatory, week-old calves down a ramp from the upper deck of a truck.
- October 30, 2009—Plant suspended indefinitely following observation of an employee dragging a non-ambulatory calf by one leg. Employee was seen “excessively and repeatedly” applying an electrical prod to the neck and abdomen of the calf and then placing the animal in a pen occupied by ambulatory animals. Employees had also been observed repeatedly applying an electric prod to another disabled calf in an attempt to force the animal to stand.

Figure 14. Violations per State Plant*	# NRs	2002-2004 % PLANTS	2007-2009 % PLANTS
1		63.9	54.3
2		25.0	21.5
3-5		5.6	16.9
6-8		5.6	5.1
9+		0	2.3

**Of plants with one or more violations during the indicated period.*

State inspected plants

Although state plants are generally issued fewer citations and suspensions than federal plants (perhaps due to the lower number of animals handled), a similar trend with repeat violators has been identified. In analyzing state noncompliance records for 2007-2009 the following examples of repeat violators were uncovered:

- A North Carolina plant was cited 9 times and suspended twice between January 2007 and June 2009.
- An Ohio plant was cited 10 times (but not suspended) between January 2007 and May 2009.
- A Wisconsin plant was cited 34 times and suspended twice between May 2007 and January 2009.

Moreover, in reviewing state enforcement records for 2007-2009, it was noted that the percentage of plants with multiple violations was up over the previously-studied period 2002-2004 (Figure 14).

For 2007-2009,
it was noted that
the percentage
of plants with
multiple violations
was up.

INADEQUATE HUMANE TRAINING AND EXPERTISE

In its 2010 report, GAO noted that a review of federal noncompliance reports “identified incidents in which inspectors did not suspend plant operations or take regulatory actions when they appeared warranted,” an observation consistent with AWI’s prior review of federal noncompliance records for 2002-2004. In its most recent analysis of state enforcement records, AWI identified numerous incidents in which inspectors appeared uncertain of how to respond to particular humane handling situations and failed to take action beyond writing a noncompliance record. Of particular concern were noncompliance records that involved what FSIS identifies as an “egregious” act. In fact, of 89 incidents that potentially could be classified as egregious, 65 (73%) did not result in application of a reject tag or suspension. Some examples follow.

**For 2009,
only 4% of state
humane slaughter
NRs resulted in
plant suspension vs.
17% of federal NRs
(Figure 7).**

- In July 2009, a Wyoming meat inspector noted that an animal was still conscious after being cut for bleeding. Instead of instructing the employees to re-stun the hog, the inspector ordered that the animal be re-stuck. No mention was made of taking any regulatory control action other than issuance of a noncompliance report.
- In February 2008, a Wyoming meat inspector observed a steer being shot 6-7 times with a captive bolt gun and the animal being bled while still conscious. The inspector noted that the stunning technique was proper and “either the beef or the gun were faulty.” There was no mention of any regulatory control action being taken.
- In January 2009, a Wisconsin meat inspector observed multiple still-conscious animals being hung and bled. The inspector noted he had a talk with the owner about the problem who said “he would look into it.” No further regulatory control action was noted.
- In November 2007, a Wisconsin meat inspector noted that he was required to order restunning of 10 out of 45 pigs due to the animals resuming consciousness while being bled out. The inspector noted previous NRs for the same problem, but did not note taking any further regulatory control action.

- In July 2007, a Texas meat inspector observed plant personnel slicing the throat of lambs without first rendering the animals unconscious. (Killing of lambs was not ritual slaughter.) No further regulatory control action was noted.
- In June 2007, an Iowa meat inspector observed an employee shackling, dragging, and hoisting a conscious hog that was non-ambulatory upon arrival at the slaughter plant. No further regulatory control action was taken.
- In May 2008, a North Dakota meat inspector observed that an animal was still conscious and vocalizing when his throat was cut for bleeding. The inspector noted that this occurrence was linked to a previous NR written about nine months before, and that a low number of animals had been slaughtered in the interim. No mention was made of any further regulatory control action.
- In November 2007, a veterinarian working for the Ohio Department of Agriculture heard a steer that had been cut and was hanging on the bleed rail vocalize and saw the animal paddling with front feet and attempting to raise his head. Other than discussing the incident with the plant owner, there is no evidence of further regulatory control action.

After reviewing more than 400 state noncompliance records, AWI concludes that many government inspectors possess inadequate training in humane handling and slaughter and may lack ready access to humane handling expertise. At the federal level, District Veterinary Medical Specialists (DVMSS) are stationed in each district to serve as a liaison between the district office and headquarters on humane matters. Unfortunately, the work load of each of the 15 DVMSS – which includes visiting each meat and poultry plant within the district to perform humane audits, analyzing and summarizing monthly humane activities tracking data, participating in staff training, and conducting verification visits prior to a suspension being lifted – limits the effectiveness of the role.

Because of incomplete record keeping, GAO was unable to determine whether there is a higher rate of enforcement actions on the days that federal DVMSS conduct their humane handling audits. Likewise, AWI was not able to ascertain conclusively whether the presence of state veterinary medical specialists increased enforcement of humane slaughter laws. However, two findings from AWI's review point in this direction: 1) of the six states with the highest rate of enforcement actions, at least three (North Carolina, Texas, West Virginia) employ veterinary medical specialists that help oversee humane enforcement; and 2) states that are known to employ humane specialists had fewer instances where insufficient action was taken in response to egregious acts.

HUMANE SLAUGHTER REMAINS A LOW PRIORITY RELATIVE TO OTHER FOOD SAFETY ISSUES

As noted earlier, enforcement at state plants, in terms of the number of violations cited and the number of plants suspended, rose significantly in the two years following the Westland-Hallmark case. The increase in noncompliance records suggests an increase in the amount of time state level inspection personnel spent on humane handling and humane slaughter verification. Information regarding all state food safety enforcement actions is not available for that period. Therefore, it is not possible to determine what percentage of food safety efforts at the state level were aimed at humane slaughter enforcement.

At the federal level, both the amount of time spent on humane handling verification procedures and the number of humane handling citations appear to have remained constant following the Westland-Hallmark event. Figure 15 compares the number of verification procedures and noncompliance records for humane handling to the total of all FSIS meat inspection verification procedures and noncompliance records for 2007 (pre-Hallmark) and 2009 (post-Hallmark).

GAO's 2010 report on federal humane slaughter enforcement noted that for fiscal year 2008, 1.46% of the FSIS annual appropriation for food inspection was devoted to humane handling activities. This is consistent with the finding that for 2009, only 1.5% of all FSIS inspection verification procedures were conducted to verify humane handling (Figure 15).

While the amount of time spent on federal humane handling activities may not have increased post-Hallmark, the response to violations certainly has. Inhumane handling went from being the basis of 18% of all FSIS slaughter plant suspensions in 2007 to 53% of all suspensions in 2009. This increase is likely due, in part, to an emphasis by FSIS headquarters on using plant suspensions to deal with egregious humane handling incidents and, by doing so, hopefully prevent the occurrence of another Westland-Hallmark.

Figure 15. Federal Humane Slaughter vs. Food Safety Enforcement Actions

ENFORCEMENT ACTION	2007 "PRE-HALLMARK"	2009 "POST-HALLMARK"
Verification Procedures	1.9%	1.5%
Noncompliance Records	0.6%	0.5%
Plant Suspensions	17.6%	53.0%

Humane slaughter enforcement actions as a percent of all meat inspection actions

RECOMMENDATIONS

Based on its research into state and federal humane slaughter enforcement, the Animal Welfare Institute offers the following recommendations:

- **FSIS should significantly increase its allocation of resources to humane handling and slaughter activities.**
- **FSIS should continually analyze federal district and state level enforcement activities** in order to ensure more consistent application of the humane slaughter law in plants of all sizes and locations across the country.
- **To address repeat violators and discourage future offenses, FSIS should establish a policy of escalating penalties,** including longer suspension periods and more frequent withdrawal of inspection. FSIS should monitor compliance with the repeat violator policy among states and federal district offices.
- **As a further means of deterrence, FSIS should cooperate with state and local law enforcement agencies in the pursuit of criminal animal cruelty charges for incidents of willful animal abuse.**
- **FSIS and state departments of agriculture should seek to improve the effectiveness of the district or regional veterinary specialist role** and increase funding for this position in order to provide in-plant personnel with greater access to humane slaughter expertise and to increase the frequency of audits – both scheduled and unscheduled – by qualified individuals outside the slaughter plant.
- **FSIS should make slaughter plant inspection records available to the public on its website** to help educate the public regarding humane slaughter practices and encourage compliance by slaughter plants with humane slaughter requirements.



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