



Animal Welfare Institute

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August 9, 2018

Paul Kiecker, Administrator (Acting)
Food Safety and Inspection Service
US Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250-3700

Re: Poultry mistreatment during transport and holding

Dear Mr. Kiecker:

In May 2016, the Animal Welfare Institute (AWI) brought to the attention of your office our concerns regarding intentional abandonment of birds—often during extreme weather—in the holding areas of poultry slaughter plants. AWI provided six examples, occurring between 2013 and 2015, where large numbers of birds died while being held over for extended periods at slaughter plants. Because AWI requested that FSIS make changes to its policies, our letter was classified as a “petition,” and no action was taken.

AWI recently reviewed poultry Good Commercial Practice (GCP) records for 2016 through early 2018, and while doing so we identified more than 50 instances where birds were knowingly mistreated, either at the slaughterhouse or en route to the slaughterhouse. This included incidents where birds were loaded in high temperatures without the use of fans or misters; birds were transported in low temperatures without covers on the trucks; birds were held at the slaughterhouse without protection from extreme heat or cold; and birds were held for days without food, water, and adequate shelter.

FSIS has cited a number of plants for failure to protect birds from extreme heat during transport and holding, including Pilgrim’s (Establishment P17340), Mar-Jac Poultry (Establishment P517), Tyson Foods (Establishment P622), Simply Essentials Poultry (Establishment P34668), David Elliot Poultry Farm (Establishment M7559), and Kralis Bros. Foods (Establishment P1019), which had one incident where 3,200 of 9,600 birds were found dead in their cages at the time of unloading. FSIS has also cited plants for failure to protect birds from extreme cold, including Tecumseh Poultry (Establishment P20251), Empire Kosher Poultry (Establishment P1015), and Pelleh Poultry (Establishment 44121), where 1,200 birds froze to death in their cages. Plants were also cited for holding birds for lengthy periods in several cases, including one incident at Koch Foods (Establishment P509) that resulted in 3,000-4,500 out of 9,000 birds dying other than by slaughter.

We are aware that FSIS recently issued Directive 6110.1, *Verification of Poultry Good Commercial Practices*, which consolidates relevant information from the 2011 FSIS directive on ante-mortem and post-mortem poultry inspection (Directive 6100.3) and an expired FSIS notice on writing poultry GCP records. Both of the directives acknowledge that specific situations may exist where the establishment’s mistreatment requires notification of state officials. In these cases, inspection personnel are to prepare a Letter of Concern (LOC) to send to the plant’s management and appropriate state officials.

However, AWI's review of GCP records suggests that agency personnel are not following the LOC directive as written. Of the more than 50 abandonment/neglect incidents identified by AWI, only one appears to have triggered preparation of a Letter of Concern. FSIS issued a LOC to Pilgrim's plant in Nacogdoches, TX (Establishment P206) for a summer 2017 incident where 1,490 birds on one truck died before arrival at the slaughter plant because catching personnel did not employ proper heat abatement measures when loading the birds. According to records received by AWI through FOIA, this is the only LOC issued by FSIS for bird mistreatment since December 2014.

During the intervening time, FSIS has cited a number of plants multiple times for egregious mistreatment of birds:

- FSIS cited Norbest LLC in Moroni, UT (Establishment M751) on at least seven occasions for holding birds for more than 24 hours without food and water, and in some cases, without shelter from inclement weather. In one case, Norbest held birds for 53 hours before slaughter.
- Pilgrim's in Mt Pleasant, TX (Establishment P584) was cited for transporting birds under extreme cold without adequate protection. In one case, this mistreatment resulted in 3,569 birds dying, and in another instance, 9,879 birds died.
- Pilgrim's other Mt Pleasant, TX, plant (Establishment P7091) also had multiple incidents, including one where 1,519 birds died after being held over beyond the acceptable time limit.
- A Pilgrim's plant in Natchitoches, LA (Establishment P5787) reported high dead-on-arrival (DOA) numbers, including one incident where more than 34,000 birds were DOA on a day with a wind chill factor of 19 degrees.
- Inspectors cited Simmons Prepared Foods in Decatur, AR (Establishment P550) multiple times for subjecting birds to heat stress by parking the trucks that were carrying them in the sun.
- FSIS also cited Pilgrim's in Guntersville, AL (Establishment P192) for parking trucks carrying birds in full sun on hot days; in one instance, 2,550 out of 5,250 (49%) birds died.
- Inspectors at Butterfield Foods Company in Butterfield, MN (Establishment M248B) cited the plant for high DOAs during cold weather, including one instance where 50% of the birds froze to death during transport.
- Finally, an excessive number of birds died at Southern Hens in Moselle, MS (Establishment P17766) in two incidents a week apart where the company held birds in severe summer heat for 20 and 18 hours, respectively.

FSIS did not issue a LOC in any of the above cases.

Many of the incidents reviewed by AWI appear to qualify as violations of the animal cruelty statute of the state in which they occurred. For example, Arkansas defines the offense of cruelty to animals as knowingly (1) subjecting any animal to cruel mistreatment, (2) killing or injuring an animal without legal privilege or consent of the owner, (3) abandoning an animal without providing for the animal's continued care, (4) failing to supply an animal with a sufficient quantity of wholesome food and water, (5) failing to provide an animal with adequate shelter, or (6) carrying in any motorized vehicle an animal in a cruel or inhumane manner.

The definitions of animal cruelty set forth in the Arkansas statute are similar to those found in many other states. In these states, the presence of any one of the conditions constitutes a violation. Some of the incidents described in GCP records, however, involved all or nearly all of these conditions. Most of

the states where these incidents occurred have statutory exemptions for “generally accepted animal husbandry practices.” However, through issuance of a GCP record, FSIS personnel have determined that the behavior in question does not qualify as accepted husbandry practice.

Unfortunately, FSIS directives do not provide guidance to inspection personnel on what types of incidents warrant notification of state officials, or what information is to be conveyed to state officials. Moreover, the directives do not mention that certain incidents—such as those involving abandonment of animals and failure to provide food, water, and shelter—may violate state animal cruelty laws.

It is likely that many local and state officials are unaware that FSIS does not take any enforcement action in response to an egregious instance of bird mistreatment. It is important that FSIS inform state officials of this fact. Letters of Concern should encourage the relevant agency to investigate whether the incident in question is a violation of the state’s animal cruelty law and if criminal prosecution should be considered. FSIS should issue these letters to all plants that abandon or otherwise neglect birds in an egregious fashion and all plants that have a record of repeated violations of good commercial practices.

AWI is disappointed that your agency has failed to address instances of intentional abandonment and/or neglect of birds at slaughter establishments or in transit to slaughter. It is very disturbing to our organization and its supporters that poultry has so little value to the USDA that mistreatment—and the resulting pain and suffering—of thousands of individual birds at one time is perceived to be of no significance. Public opinion surveys suggest that consumers of poultry products share the same concerns.

Your agency has the ability to prevent the needless suffering of animals destined for slaughter. We implore FSIS to address this problem.

Sincerely,



Dena Jones
Director, Farm Animal Program

Enclosures

cc: Mr. William Smith, Assistant Administrator, Office of Field Operations
Ms. Roberta Wagner, Assistant Administrator, Office of Policy and Program Development