



Animal Welfare Institute

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November 11, 2009

Docket Clerk
U.S. Department of Agriculture
Food Safety and Inspection Service
Room 2-2127
George Washington Carver Center
5601 Sunnyside Avenue
Beltsville, MD 20705

Re: Docket Number FSIS-2008-0039

Dear Sir/Madame:

The Animal Welfare Institute (AWI) is pleased to submit comments on the proposed rule, “Cooperative Inspection Programs: Interstate Shipment of Meat and Poultry Products,” published in the *Federal Register* on September 16, 2009.

Since its founding in 1951, AWI has sought to reduce the sum total of pain and fear inflicted on animals by people. We seek to abolish factory farms and achieve humane transport and slaughter for all animals raised for food. Through the Animal Welfare Approved food certification program, AWI provides technical expertise to slaughter plants to encourage improved compliance with the Humane Methods of Slaughter Act (7 U.S.C. 1901 et seq.) and its implementing regulations (9 CFR 313.1 et seq.).

AWI supports policy initiatives, such as the proposed cooperative interstate shipment program, that offer independent family farmers who utilize humane and sustainable animal agricultural practices greater opportunity to market their products, including across state lines or even in foreign markets if they so desire. The proposed program has the potential to benefit not only family farmers but the animals they raise, by reducing the stress associated with long transport times to slaughter.

While AWI supports the concept of allowing meat products from eligible state-inspected slaughter establishments to bear a federal mark of inspection, we have concerns about the level of compliance with federal regulations on humane handling and slaughter at state-inspected plants. This concern derives, in part, from research conducted by AWI on the enforcement of humane slaughter laws by state meat inspection programs.

In May 2008, the Animal Welfare Institute published *Crimes without Consequences: The Enforcement of Humane Slaughter Laws in the United States*. The report includes results from a series of public records requests to state meat inspection programs that asked for copies of all enforcement documents and other relevant communications related to humane slaughter for a three-year period. This request was made of the 30 states accredited to administer the federal humane slaughter law. (Three states with cooperative programs for custom plants were surveyed in addition to the 27 states that operate meat inspection programs.) Key findings of that research are summarized below:

- Of the 30 states queried, only 11 had records of any enforcement actions for humane slaughter during the three-year period, and just five had produced or distributed any communications relating to humane slaughter.
- Fifteen of the 30 states provided no documents of any kind related to humane handling and slaughter of animals at its state-inspected plants. The states providing no documents are responsible for inspecting a total of 600 slaughter plants.
- Two states – Indiana and Georgia – responded that they possessed documents responsive to the request but were unable to readily provide them due to limitations of their record keeping system.
- Only three of nine states authorized to inspect federal establishments under the Talmadge-Aiken Act were able to provide any enforcement records for inhumane handling or slaughter at state-inspected plants. (Alabama, Georgia, Illinois, Mississippi, Utah and Virginia provided no documents related to humane slaughter; Oklahoma provided just one Noncompliance Record. Only North Carolina and Texas offered multiple state enforcement documents.)

As a result of this review, AWI has concluded that most states that operate meat inspection programs are not enforcing the Humane Methods of Slaughter Act at state-inspected plants. Moreover, small state-inspected plants are probably less likely than federal plants to have staff and management with training in humane handling and slaughter and are less likely to have specialized equipment for proper animal handling or a facility design that promotes humane handling and slaughter. Small state-inspected plants are also less likely to undergo regular third party auditing of humane handling and slaughter practices.

Because of these concerns, AWI strongly recommends that the proposed rule be revised to specifically include compliance with the federal humane handling and slaughter regulations as a requirement for establishment selection and federal oversight of a cooperative interstate shipment program. Funds should also be made available for the training of selected establishment employees in humane handling and slaughter, and not just for training in the Hazard Analysis and Critical Control Point (HACCP) process as currently proposed. Our recommended revisions to the proposed rule are noted below in *italicized* text:

Section 332.3 Requirements for establishments; ineligible establishments.

(c) The following establishments are ineligible to participate in a cooperative interstate shipment program:

(7) Establishments that are in violation of the Act, *including the humane handling and slaughter of livestock, and those with a recent history of repeated violations of the Act;*

Section 332.5 Establishment selection; official number for selected establishments.

(a) An establishment operating under a cooperative State meat inspection program will qualify for selection into a cooperative interstate shipment program if the establishment:

(5) Is in compliance with all requirements under the Act, *including those related to the humane handling and slaughter of livestock, and the implementing regulations in this chapter.*

Section 332.7 Federal oversight of a cooperative interstate shipment program.

(a) The FSIS selected establishment coordinator for a State that has entered into an agreement for a cooperative interstate shipment program will visit each selected establishment on a regular basis, *and no less frequently than once each quarter*, to verify that the establishment is operating in a manner that is consistent with the Act and the implementing regulations in this chapter.

(b) The selected establishment coordinator's verification activities ~~may~~ *shall* include:

(4) Assessing each selected establishment's compliance with the Act, *including the humane handling and slaughter of livestock, and implementing regulations under this chapter.*

Section 332.8 Quarterly reports.

(b) The quarterly report required in paragraph (a) of this section will:

(2) Identify those selected establishments that the selected establishment coordinator has verified are in compliance with the Act, *including the humane handling and slaughter of livestock, and implementing regulations in this chapter.*

Section 332.12 Transition grants.

(a) Transition grants are funds that a State participating in a cooperative interstate shipment program under this part may apply for to reimburse selected establishments in the State for the cost to train one individual in the seven HACCP principles for meat or poultry processing as required under 417.7 of this chapter and associated training in the development of sanitation standard operating procedures required under part 416 of this chapter *and to train one individual in humane handling and slaughter practices required under part 313 of this chapter.*

(b) A State participating in a cooperative interstate shipment program that receives a transition grant must use grant funds to reimburse the training costs of ~~one employee~~ *two employees* per each selected establishment in the State.

Thank you for the opportunity to comment on the proposed changes to the Cooperative Inspection Program. While we support the concept of allowing state-inspected establishments to ship meat and poultry in interstate commerce, we have concerns regarding the current ability of some state plants to ensure humane handling and slaughter of the animals. We look forward to seeing our concerns addressed in the final regulation.

Sincerely,

A handwritten signature in black ink, appearing to read "Dena Jones". The signature is written in a cursive style with a large, sweeping initial "D".

Dena M. Jones
Farm Animal Program Manager
Animal Welfare Institute