

CRIMES WITHOUT CONSEQUENCES:

**The Enforcement of
Humane Slaughter Laws
in the United States**

Researched and written by

DENA JONES

for the Animal Welfare Institute

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May 2008



**Animal Welfare
Institute**

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CONTENTS

| | |
|--|----|
| Executive Summary | 1 |
| 1. Introduction..... | 5 |
| 1.1 About the author..... | 6 |
| 1.2 About the Animal Welfare Institute..... | 6 |
| 1.3 Acknowledgements | 6 |
| 2. Overview of Food Animal Slaughter in the United States..... | 7 |
| 2.1 Animals Slaughtered | 7 |
| 2.2 Types of Slaughter Plants..... | 12 |
| 2.3 Number of Plants | 14 |
| 2.4 Location of Plants | 16 |
| 2.5 Plant Inspection Authority | 18 |
| 3. History of U.S. Humane Slaughter Initiatives | 21 |
| 4. Federal Humane Slaughter Law..... | 29 |
| 4.1 Species Covered | 31 |
| 4.2 Methods Allowed | 32 |
| 4.3 Exemptions | 33 |
| 4.4 Application | 33 |
| 4.5 Penalties | 33 |
| 4.6 Regulations, Notices and Directives | 34 |
| 5. Enforcement of Federal Law in U.S. Plants | 39 |
| 5.1 Noncompliance Records | 39 |
| 5.2 Reject Tags | 49 |
| 5.3 Notices of Intended Enforcement and Suspensions | 49 |
| 5.4 Withdrawal of Inspection | 52 |
| 5.5 Analysis of Federal Enforcement Records | 53 |
| 6. Enforcement of Federal Law in Foreign Plants | 59 |
| 7. State Humane Slaughter Laws | 63 |
| 7.1 Species Covered | 64 |
| 7.2 Methods Allowed | 66 |
| 7.3 Exemptions | 66 |
| 7.4 Application | 67 |
| 7.5 Penalties | 68 |

8. Enforcement of State Laws 69

 8.1 Analysis of State Enforcement Records 69

 8.2 Application of Anti-Cruelty Laws 75

9. Industry Slaughter Guidelines 83

 9.1 Livestock Industry Guidelines 83

 9.2 Chicken Industry Guidelines 83

 9.3 Food Service Industry Guidelines 84

 9.4 Compliance with Industry Guidelines 85

10. Slaughter Standards under Animal Welfare Labeling Programs 89

 10.1 American Humane Certified 89

 10.2 Animal Welfare Approved 90

 10.3 Certified Humane 90

11. Conclusion 93

 11.1 Federal Law 94

 11.2 Federal Enforcement in U.S. Plants 95

 11.3 Federal Enforcement in Foreign Plants 96

 11.4 State Laws 96

 11.5 State Enforcement 97

Appendices

 A. Federal Regulations Related to Humane Slaughter 99

 B. Federal Plants Issued Suspensions and/or NOIE:
 January 1, 1998 to September 30, 2007 (table) 103

 C. Federal Enforcement Case Studies: 2001 to 2007 105

 D. Excerpts from State Cruelty Laws 124

 E. Federal Plants Cited for Humane Slaughter Violations:
 October 1, 2002 to March 31, 2004 (table) 130

LIST OF TABLES

| | |
|---|----|
| 1. U.S. Livestock Slaughter by Species | 7 |
| 2. U.S. Livestock Slaughter by State and Species | 8 |
| 3. U.S. Poultry Slaughter by Species | 10 |
| 4. U.S. Young Chickens Slaughtered by State | 11 |
| 5. U.S. Young Turkeys Slaughtered by State | 12 |
| 6. Federally Inspected Slaughter Plants by Species | 14 |
| 7. U.S. Livestock Slaughter Plants by Type of Inspection: 1967 to 2007..... | 15 |
| 8. U.S. Livestock Slaughter Plants by State and Type of Inspection | 17 |
| 9. Slaughter Plant Inspection Authority | 19 |
| 10. FSIS Notices and Directives Related to Humane Slaughter | 35 |
| 11. Federal Violations by Type | 40 |
| 12. Federal Violations by Cause | 48 |
| 13. Federal Violations by Species | 48 |
| 14. Summary of Federal Plant Suspensions | 50 |
| 15. Federal Suspensions by Type of Violation | 51 |
| 16. Federal Suspensions by Plant Size | 52 |
| 17. Federal Humane Slaughter vs. Food Safety Enforcement Actions | 54 |
| 18. Federal Noncompliance Records and Suspensions by District | 57 |
| 19. State Humane Slaughter Laws | 63 |
| 20. Additional Animals Covered Under State Laws | 65 |
| 21. State Enforcement Actions Related to Humane Slaughter | 70 |
| 22. State Communications Related to Humane Slaughter | 71 |
| 23. Summary of State NRs..... | 73 |
| 24. State Anti-Cruelty Laws | 75 |
| 25. Industry Audits of U.S. Cattle Slaughter Plants | 86 |
| 26. Industry Audits of U.S. Pig Slaughter Plants | 87 |

Executive Summary

Each year, about 10 billion chickens, turkeys, cattle, pigs, sheep and goats are killed for food in the United States. The common experience shared by all is slaughter. It is a process that takes place far from public view, and one that vegetarians and meat-eaters alike prefer to avoid contemplating. In his classic early 20th century novel, *The Jungle*, writer and social activist Upton Sinclair compared the American slaughterhouse to a dungeon where terrible crimes were committed “unseen and unheeded.”

Despite the relatively limited attention given to the killing of animals for food, slaughter practices in the United States have come under increased scrutiny in the past decade, due to the disclosure of multiple incidents of grossly inhumane treatment. These revelations have resulted in actions by Congress to improve enforcement of the national law created to protect animals at slaughter—the Federal Humane Methods of Slaughter Act. The impact of these actions on the final hours of the lives of animals raised for food in the United States is the subject of this report.

A groundbreaking investigation

Due to a lack of published information regarding humane slaughter laws in the United States, the Animal Welfare Institute (AWI) has published a comprehensive review—the first of its kind to analyze the level of enforcement of humane slaughter standards at state, federal and foreign slaughterhouses. This report attempted to answer the following questions:

- To what degree is the federal humane slaughter law enforced at federal-inspected slaughterhouses, and does enforcement vary by animal species, by size of slaughter plant or by region of the United States?
- Are state and federal humane slaughter laws enforced at state-inspected and custom slaughterhouses, and do state anti-animal cruelty statutes protect animals against inhumane treatment at slaughter?
- Does the United States require compliance with its humane slaughter law at foreign slaughterhouses approved to export meat products to the country?
- Does the meat industry monitor compliance with its voluntary humane slaughter standards, and does it take action against slaughterhouses failing to meet the standards?

In search of answers, Dena Jones reviewed and summarized data obtained from more than 60 public records requests to federal and state agriculture departments, as well as other documents, covering a 5-year period from 2002 through 2007. In addition, descriptions of industry slaughterhouse audits, available to the public on the Internet, were also reviewed.

Federal enforcement at U.S. slaughterhouses

In March 2008, the Congressional Research Service published a report for Congress entitled *USDA Meat Inspection and the Humane Methods of Slaughter Act*. The report cites a number of U.S. Department of Agriculture (USDA) enforcement actions at federally inspected slaughter plants for humane handling and slaughter in the year 2007: 167,000 regulatory verification procedures, 700 noncompliance records (NRs) and 12 plant suspensions.

These statistics sound impressive until they are put in perspective. Using data for total USDA enforcement actions taken from quarterly enforcement reports for 2007, it is revealed that humane handling and slaughter was the subject of only 1.9 percent of all USDA verification procedures, 0.6 percent of all NRs, and 18 percent of all plant suspensions.

For this report, Jones reviewed approximately 500 humane handling and humane slaughter noncompliance records issued by the USDA at federal slaughterhouses during an 18-month period. This represented no significant increase in the number of citations for humane slaughter issued by the federal government since the mid-1990s. Overall, less than 1 percent of all citations for violations of federal food safety laws were issued for humane handling or humane slaughter, consistent with the figure for 2007 cited above.

Suspensions of slaughter plant operations by the USDA for humane handling and slaughter violations did go up slightly during the past decade. However, serious inconsistencies were found in the manner in which these violations were handled between individual plants and between USDA district offices. In some cases, slaughterhouse operations were halted for relatively minor offenses, such as failure to provide water to animals in pens, while in other cases, USDA officials stood by and took no action when plant workers were observed to be repeatedly butchering fully conscious animals.

The differences among USDA districts on plant suspensions are particularly striking. For example, during the past decade, the USDA district for the state of California, which covers just 32 plants, issued 15 suspensions for humane violations, while the district for the states of New Jersey and Pennsylvania, which covers 139 plants, issued just 4 suspensions. The largest numbers of suspensions were issued by the offices covering California, Texas, and Michigan and Wisconsin. The offices covering Kansas and Missouri; Alabama, Mississippi and Tennessee; and Delaware, District of Columbia, Maryland, Virginia and West Virginia issued the smallest numbers.

Jones also found that cattle were more likely to be the victims of inhumane treatment than pigs, and that large and small plants were more likely to be suspended for humane violations than very small plants. The most common types of humane deficiencies were failure to provide water to animals in pens; failure to maintain pens and other facilities in good repair; and shackling, hoisting and/or cutting of conscious animals.

Federal enforcement at foreign slaughterhouses

Approximately three dozen countries are eligible to export meat to the United States. The USDA is expected to ensure that the meat inspection system of a foreign country is equivalent to U.S. domestic meat inspection, including in the area of humane handling and slaughter. However, Jones found that the USDA does not routinely consider humane slaughter laws and their enforcement in reviewing foreign country eligibility, and in inspecting foreign slaughter plants, the agency cites almost no humane deficiencies. The USDA explains this finding by noting that there is a “high level of compliance in foreign plants.” But it seems unlikely that foreign slaughter plants would excel at humane slaughter when many are found to be wanting in nearly every other area.

State enforcement at U.S. slaughterhouses

Twenty-nine states operate meat inspection programs, and nine of these have the authority to administer humane slaughter laws at federal as well as state-inspected slaughterhouses. However, most states running meat inspection programs were not able to provide any documents related to humane slaughter enforcement for a recent three-year period. The states with no records of humane enforcement are responsible for overseeing animal handling and slaughter at a total of 600 slaughter plants.

Of the 30 states accredited to administer humane slaughter programs at the time of the review (one state—New Mexico—has since lost its accreditation), 20 could provide no humane enforcement records for the period 2002 through 2004:

| | | |
|-----------|-------------|---|
| Alabama | Iowa | South Dakota |
| Arizona | Louisiana | Utah |
| Colorado | Maine | Vermont |
| Delaware* | Mississippi | Virginia |
| Georgia | Missouri | West Virginia |
| Illinois | Montana | Wyoming |
| Indiana | New Mexico | (* No state-inspected plants at the time) |

Four states issued at least one deficiency record, but took no further actions during the period:

| | |
|----------------|----------|
| North Carolina | Oklahoma |
| North Dakota | Texas |

Six states took an action for inhumane slaughter beyond issuance of a deficiency record:

| | |
|------------|----------------|
| California | Ohio |
| Kansas | South Carolina |
| Minnesota | Wisconsin |

Thirty states have enacted humane slaughter laws, but only one instance of criminal prosecution under a state-level law could be located. Although every state has an anti-animal cruelty statute on the books, to date, no successful prosecutions have occurred for cruelty committed during the slaughter process. Moreover, five states (Georgia, Illinois, Kentucky, North Carolina and Rhode Island) specifically exclude slaughter from their animal cruelty codes.

Industry oversight

The meat and poultry industries have developed voluntary handling and slaughter guidelines for the different animal species killed for food. Some industry customers—fast food restaurants specifically—use these standards to audit animal handling in the slaughter plants that prepare their products. Each year, less than 100 of the 800 federal livestock slaughter plants are audited, however. These plants are most likely among the country's largest, and many of them are audited at least annually, while most small and very small U.S. plants have never undergone a third-party audit. Even in those slaughterhouses that undergo audits, management and workers are typically aware of the review and may alter their behavior in response.

Although humane slaughter laws require that all animals other than birds be rendered insensible with one stunning attempt, industry guidelines aim for between 95 percent and 99 percent stunning effectiveness. Even if all slaughter plants were able to meet these standards, it would mean that 185 million chickens, 1.8 million cattle and sheep and 1 million pigs may be killed inhumanely each year in the United States.

Ending the cruelty

Between 2002 and 2005, nearly 400 million animals other than birds were killed for food, and during this period, just 42 enforcement actions beyond the issuance of a deficiency record were taken in all of the United States for slaughterhouse noncompliance with humane slaughter laws. Whistleblower accounts and undercover videotape documentation from inside slaughterhouses suggest that the low level of humane enforcement is not due to a lack of violations, but that it occurred because these crimes are either not observed or recognized by inspection personnel, not reported through the proper channel, or the appropriate remedial measures are not taken.

As a result of this investigation, AWI has concluded that ensuring animals raised for food are handled and slaughtered in a humane manner is a low priority of U.S. agricultural enforcement agencies and of the U.S. animal agriculture industry. Both of these groups must send the message to slaughterhouses that violating humane laws is an offense that will not be taken lightly and will result in serious and consistent consequences. In addition, there are both legal and regulatory changes that need to be made in the current inspection system to better protect all animals who are slaughtered for food.

1. Introduction

The purpose of this report is to analyze U.S. humane slaughter laws and the enforcement of those laws by government agencies. Material is included related to the slaughter of animals in U.S. custom, state-inspected and federal-inspected slaughterhouses, as well as the slaughter of animals in foreign plants certified to export meat to the United States.

The foundation of the report is the analysis of more than 1,000 documents gathered from approximately 60 public records requests submitted to state and federal agricultural departments over a three-year period, from early 2004 through 2006. Following is a list of the documents obtained and reviewed in the preparation of this report:

State Enforcement

- All enforcement records (30 states¹): January 1, 2003 to December 31, 2004

Federal Enforcement of U.S. Plants

- NRs (all plants)²: October 1, 2002 to March 31, 2004
- Notices of Intended Enforcement (NOIEs) (all plants): January 1, 1998 to September 30, 2007
- Suspension of Inspection (all plants): January 1, 1998 to December 31, 2007
- Withdrawal of Inspection (all plants): January 1, 1998 to December 31, 2007

Federal Enforcement of Foreign Plants

- Annual country audits (31 countries³): January 1, 2004 to December 31, 2007

In addition to analyzing government documents related to humane slaughter enforcement, this report presents information regarding voluntary industry guidelines and humane food program standards related to humane slaughter. The report concludes with recommendations for improving the humaneness of animal slaughter in the United States.

¹ Represents all states with meat inspection programs (28) or meat custom inspection programs (2) at the time research was initiated. As of August 13, 2007, 27 states operated meat inspection programs, with New Mexico meat inspection duties being taken over on that date by the USDA due to reported flaws in the state's inspection services. See USDA-FSIS, Designation of the state of New Mexico under the Federal Meat Inspection Act and Poultry Products Inspection Act; final rule, *Federal Register*, Vol. 72, No. 134, July 13, 2007, pp. 38467-38468. See also Johnston G, Feds relieve New Mexico of meat-inspection duties, <http://www.Meatingplace.com>, July 10, 2007.

² While the information from state-inspected and federal-inspected foreign plants was easily obtained, the USDA-FSIS, which supplies documents related to federal inspection of U.S. slaughter plants, typically requires up to six months to produce a single document and two or more years to produce a large volume of documents requested under the federal Freedom of Information Act (FOIA). Preparation and release of this report were delayed as a result. The delay also affected the relevance of the documents received to the current status of federal humane law enforcement. The handling of FOIA requests by the USDA makes producing an accurate assessment of federal oversight of the nation's food safety laws extremely difficult, if not impossible.

³ Represents all countries approved to certify slaughter plants for export of meat and/or meat products to the United States, as of February 2008.

1.1 About the Author

Dena Jones has directed a number of advocacy campaigns for national and international animal protection organizations. She holds a Master's of Science degree in animals and public policy from Tufts University School of Veterinary Medicine and has more than 15 years of experience advocating for animals, including five years as a farm animal welfare consultant. Ms. Jones has researched and reported on various issues related to farm animal protection, such as the evidence of sentience in farm animals and U.S. farm animal welfare standards.

1.1 About the Animal Welfare Institute

Since its founding in 1951, the Animal Welfare Institute (AWI) has sought to reduce the sum total of pain and fear inflicted on animals by people. One major goal is to abolish factory farms and achieve humane slaughter for all animals raised for food. AWI researches, investigates, educates, advocates and lobbies on behalf of animals.

In the 1950s, AWI founding president Christine Stevens studied humane slaughter methods, visiting plants in the United States, England, Holland and Denmark. AWI sponsored scientific research on slaughter methods and collected a substantial body of technical information on the practical application of all humane methods of slaughter, as well as information on the historical background and legal status of humane slaughter throughout the world.

AWI lobbied for the adoption of the Humane Methods of Slaughter Act and its 1978 amendment. Initially, AWI supported increased appropriations for enforcement of the law as called for by Senator Robert Byrd of West Virginia, but when it became clear that the USDA was not using the funds as intended, AWI sought to educate the public and the U.S. Congress about the misuse of taxpayer funds—which continues today.

Through its Animal Welfare Approved program, AWI has provided technical expertise to plants to encourage improved compliance with the law. AWI lobbied in support of a 2002 Congressional Resolution in support of sound enforcement of the Humane Methods of Slaughter Act and continues to seek both solid enforcement of the law and the expansion of its coverage to all species raised for consumption.

1.3 Acknowledgements

The author appreciates support received from Farm Sanctuary and the U.S. office of the World Society for the Protection of Animals (WSPA) in the preparation of this report. Helpful comments and suggested revisions were offered by Cathy Liss, president of AWI; Cat Carroll, communications associate of AWI; Lori Kettler, senior counsel for People for the Ethical Treatment of Animals; and Gail Eisnitz, chief investigator, Humane Farming Association (HFA).

2. Overview of Food Animal Slaughter in the United States

In the United States, the USDA Food Safety and Inspection Service (FSIS) inspects most meat, poultry and processed egg products for safety and proper labeling. This agency also is charged with inspecting slaughtering practices to ensure that “livestock” is killed by humane methods. The National Agricultural Statistics Service (NASS) of the USDA regularly reports data related to the numbers of different animal species slaughtered for food in the United States, as well as the location—both by state and by type of slaughter facility—where animals are killed. This section presents a summary of the most current slaughter data available from NASS.

2.1 Animals slaughtered

For the most part, NASS reports data on animals slaughtered in commercial establishments; however, estimates are made on the number of animals slaughtered on the farm.⁴ Table 1 below gives total numbers of U.S. meat animals, excluding birds, slaughtered in 2007.⁵ Table 2 presents a breakdown by state.

Table 1. U.S. Livestock Slaughter by Species

2007

| <u>Species</u> | <u>Total Commercial^a</u> | <u>Farm</u> | <u>Total Slaughter</u> |
|-----------------------|--|--------------------|-------------------------------|
| Cattle | 34,264,000 | 150,000 | 34,414,000 |
| Calves | 758,100 | 37,000 | 795,100 |
| Hogs | 109,171,600 | 105,000 | 109,276,600 |
| Sheep | 2,693,700 | 75,000 | 2,768,700 |
| Total | 146,887,400 | 367,000 | 147,254,400 |

Notes

^a Includes slaughter at federal, state and custom slaughter establishments.

Source: USDA, National Agricultural Statistics Service, Livestock Slaughter: 2007 Summary, March 2008, p. 3.

⁴ Farm slaughter is done primarily for home consumption; it includes mobile custom slaughtering, but excludes custom slaughter performed for farmers at commercial establishments.

⁵ Animals who die or are killed on the farm due to injury or disease are not included in the totals. Moreover, neither equine species nor rabbits and other traditionally non-domesticated animals, such as bison, antelope, reindeer, elk and deer, are included.

Table 2. U.S. Livestock Slaughter by State and Species^a

2006

| <u>State</u> | <u>Cattle</u> (1,000) | <u>Calves</u> (1,000) | <u>Hogs</u> (1,000) | <u>Sheep</u> (1,000) | <u>Goats</u> (1,000) |
|--------------------|--------------------------|--------------------------|------------------------|-------------------------|-------------------------|
| AL | 4.7 | | 107.0 | | |
| AK | 0.8 | | 1.1 | | |
| AZ | | | 3.5 | 1.5 | |
| AR | 10.9 | | 159.2 | 0.5 | 0.3 |
| CA | 1,533.0 | 93.9 | 2,582.0 | | 25.1 |
| CO | 2,116.1 | | 12.4 | 1,053.6 | 5.9 |
| DE-MD | 43.3 | 2.0 | 18.7 | 35.7 | 38.0 |
| FL | | | 95.9 | 2.8 | 19.1 |
| GA | 270.7 | 1.3 | 133.8 | 3.8 | 31.9 |
| HI | 10.5 | | 22.5 | | |
| ID | | 152.8 | 4.4 | | |
| IL | | 44.3 | 9,491.0 | 169.8 | 36.1 |
| IN | 37.8 | 2.9 | 7,385.2 | 27.0 | 14.7 |
| IA | | 29,649.9 | 409.8 | 2.4 | |
| KS | 7,543.1 | | | 3.2 | 2.4 |
| KY | 15.6 | | 2,466.8 | 11.4 | 6.1 |
| LA | 10.3 | 3.4 | 18.6 | 1.7 | |
| MI | 511.2 | 33.0 | 122.4 | 179.7 | 3.1 |
| MN | 724.7 | | 9,378.3 | 2.9 | |
| MS | 1.2 | | | | |
| MO | 86.0 | | | 5.9 | 3.5 |
| MT | 19.4 | 0.4 | 15.2 | 3.6 | |
| NE | 7,068.5 | | 7,216.1 | 7.7 | |
| NV | 1.0 | | | 0.8 | |
| N ENG ^b | 13.5 | 3.5 | 20.1 | 33.5 | 19.6 |
| NJ | 26.7 | 86.2 | 107.4 | 116.5 | 216.1 |
| NM | 11.0 | | 1.8 | 8.9 | |
| NY | 30.6 | 111.1 | 35.9 | 40.6 | 38.6 |

OVERVIEW OF FOOD ANIMAL SLAUGHTER IN THE UNITED STATES

| | | | | | |
|-------------------------|-----------------|--------------|------------------|----------------|--------------|
| NC | 194.8 | 0.8 | 11,318.0 | 6.6 | 14.4 |
| ND | 11.8 | | 152.2 | 0.6 | |
| OH | 103.6 | 1.4 | 1,114.9 | 14.0 | |
| OK | 27.7 | 0.7 | 4,902.8 | 0.7 | |
| OR | 25.8 | 0.1 | 200.6 | 21.7 | 3.3 |
| PA | 858.5 | 178.1 | 2,959.9 | 55.0 | 31.9 |
| SC | 154.3 | | | | |
| SD | | | 4,358.1 | 14.3 | |
| TN | 15.3 | 1.2 | 637.1 | 12.8 | 27.1 |
| TX | 6,484.8 | 10.1 | 378.5 | 62.9 | 32.9 |
| UT | 634.4 | 0.1 | 47.1 | 33.1 | |
| VA | 11.4 | 0.7 | 2,065.3 | 11.2 | 7.8 |
| WA | 937.9 | | 24.8 | 2.1 | |
| WV | 8.1 | | 7.2 | 0.4 | |
| WI | 1,582.5 | 126.9 | 536.6 | 13.0 | |
| WY | 7.0 | | 4.9 | 1.6 | |
| U.S.^c | 33,698.3 | 711.3 | 104,736.6 | 2,698.5 | 584.1 |

Notes

^aFederally inspected slaughter only.

^bN ENG includes CT, ME, MA, NH, RI and VT.

^cThe USDA groups data for states with only one operation, even though the individual operations may be large, to avoid disclosing identity of the operation. States with no data printed are still included in U.S. total.

Source: USDA, National Agricultural Statistics Service, Livestock Slaughter: 2006 Summary, March 2007, pp. 29, 35, 41, 47, 53.

NASS also reports data regarding the number of birds slaughtered for food in the United States (the FSIS currently does not provide protection for birds under the federal humane slaughter law, as is discussed in Section 4 of this report). Table 3 below presents the numbers of major bird species slaughtered for food in the United States in 2007.⁶ Tables 4 and 5 provide a breakdown by state for the slaughter of young chickens and young turkeys, respectively.

⁶ Excluded are domesticated birds killed in smaller numbers, such as guineas, ratites (ostrich, emu and rhea) and squabs (young pigeons up to one month old), as well as traditionally non-domesticated birds, such as migratory waterfowl and other “game” birds.

Table 3. U.S. Poultry Slaughter by Species

2007

| <u>Type of Bird</u> | <u>Number Slaughtered^a</u> |
|----------------------------|--|
| Chickens, Young | 8,898,486,000 |
| Chickens, Mature | 132,549,000 |
| Turkeys, Young | 262,791,000 |
| Turkeys, Mature | 2,178,000 |
| Ducks | 27,311,000 |
| Total | 9,323,315,000 |

Notes

^aFederally inspected slaughter only.

Source: USDA, National Agricultural Statistics Service, Poultry Slaughter: 2007 Annual Summary, February 2008, pp. 1-2.

Table 4. U.S. Young Chickens Slaughtered by State

2007

| <u>State</u> | <u>Number Slaughtered^a</u> (1,000) |
|---------------------------|--|
| AL | 1,058,764 |
| AR | 1,134,999 |
| DE | 306,947 |
| GA | 1,321,383 |
| KY | 296,736 |
| LA | 193,960 |
| MD | 143,573 |
| MS | 783,482 |
| MO | 411,865 |
| NC | 713,017 |
| OH | 48,282 |
| PA | 118,850 |
| SC | 293,787 |
| TN | 271,138 |
| TX | 648,061 |
| VA | 311,267 |
| Other states ^b | 840,777 |

Notes

^aFederally inspected slaughter only.

^bThe USDA does not publish state data if there are fewer than three plants slaughtering one species, or if one plant has 60 percent or more of the total state slaughter for the species. Data for these states are published in the “Other states” category.

Source: USDA, National Agricultural Statistics Service, Poultry Slaughter: 2007 Annual Summary, February 2008, pp. 9-14, 33.

Table 5. U.S. Young Turkeys Slaughtered by State

2007

| <u>State</u> | <u>Number Slaughtered^a</u> (1,000) |
|---------------------------|--|
| AR | 35,502 |
| MN | 37,264 |
| MO | 16,998 |
| Other states ^b | 173,027 |

Notes

^aFederally inspected slaughter only.

^bThe USDA does not publish state data if there are fewer than three plants slaughtering one species, or if one plant has 60 percent or more of the total state slaughter for the species. Data for these states are published in the “Other states” category.

Source: USDA, National Agricultural Statistics Service, Poultry Slaughter: 2007 Annual Summary, February 2008, pp. 29-30, 33.

2.2 Types of slaughter plants

There are generally three types of slaughter plants operating within the United States—federally inspected for interstate commerce, state inspected for intrastate commerce, and custom exempt for personal, non-commercial use. These types are described below. (The relevant inspection authority for these plants is discussed in Section 2.5.)

Federally inspected

Plants that transport meat between states represent the largest U.S. slaughtering establishments. While large plants once slaughtered multiple species, today, most are specialized. In fact, large hog plants now specialize in hogs of a particular shape and size. Consistent animal shape and size allows plants to handle large volumes of animals, slaughtering up to 350 to 400 cattle per hour or 1,000 to 1,100 hogs per hour. Many of the largest plants run two 8-hour shifts to further increase production.⁷

⁷ MacDonald JM, U.S. meat slaughter consolidating rapidly, *Food Review*, Vol. 20(2), 1997, pp. 22-27.

Thirty-five years ago, when the industry consolidation began, most slaughter plants were located near major stockyards or large population centers. These were “carcass” plants, selling whole or half carcasses to meat processors or retailers who produced retail cuts of meat. Today, most large cattle slaughter plants cut carcasses up into “boxed beef” and ground beef products, and hog plants provide cut-up pork.⁸

State inspected

Most state plants, which are limited to those transporting and selling products intrastate, are typically small or very small establishments.⁹ The turnover among these plants is extremely high; few survive long-term. According to an analysis conducted by the USDA’s Economic Research Service, only about 10 percent of very small plants last 10 years.¹⁰ Those that do usually do so by meeting local or special demands, such as for the organic or pastured-raised meat market. They tend to slaughter multiple animal species and different animal types within a species. For example, while the largest plants often slaughter steers and heifers or market-weight hogs only, smaller plants are more likely to slaughter mature animals like cull dairy cows and breeding sows.¹¹ For reporting purposes, state plants are classified as “Non-Federally Inspected” plants.

Custom exempt

Custom plants slaughter animals for the “owner” and return the meat or poultry product to that individual for his or her personal use. Neither the custom establishment nor the individual receiving it can sell any product obtained through custom slaughter. The animals, as well as the products produced, are not inspected, but the facilities are expected to meet sanitary standards. All products are to be marked “Not for Sale.”¹² Although these plants are not regularly inspected, for reporting purposes, they are classified as “Non-Federally Inspected” plants, with the exception of mobile slaughtering units, which are considered farm slaughter.¹³

In recent years, however, several states have expressed a desire to provide state inspection of mobile slaughter units, which would allow niche producers to market their meat to customers across the state. The Montana State Legislature passed a law in 2005 authorizing state inspection of mobile slaughter. Some states—including Wyoming, which currently has no federally inspected plants—are even pursuing the possibility of obtaining federal inspection status for their mobile slaughtering companies. The demand for mobile slaughter is being driven by the popularity of local organic and pasture-raised

⁸ Ibid.

⁹ The USDA defines “very small” plants as those with fewer than 10 employees or annual sales of less than \$2.5 million, “small” plants as those with 10 to 500 employees and “large” plants as those with more than 500 employees.

¹⁰ MacDonald JM, U.S. meat slaughter consolidating rapidly, *Food Review*, Vol. 20(2), 1997, pp. 22-27.

¹¹ Ibid.

¹² 9 CFR 303.1.

¹³ USDA, National Agricultural Statistics Service, *Livestock Slaughter: 2006 Summary*, March 2007. See also USDA-FSIS, Cooperative inspection program functions. (<http://www.fsis.usda.gov/OPPDE/FSLGRS/MPI/oversight.htm>)

meat and poultry. Some producers also cite the desire to eliminate the stress of loading/unloading and transportation to slaughter on the animals they raise.¹⁴

2.3 Number of plants

In January 2008, there were a total of 2,927 U.S. establishments slaughtering one or more livestock species. Of these, 808 are federal inspected plants and 2,119 are non-federally inspected plants, including plants falling under state inspection and custom exempt plants. Table 6 shows the number of U.S. plants slaughtering various animal (mammal and bird) species under federal inspection for the year 2007.

Table 6. Federally Inspected Slaughter Plants by Species

2007

| <u>Species</u> | <u>Number of Plants^a</u> |
|----------------|-------------------------------------|
| Cattle | 626 |
| Calves | 232 |
| Hogs/Pigs | 618 |
| Sheep/Lambs | 480 |
| Goats | 397 |
| Bison | 132 |
| Poultry | 305 |

Notes

^a A total is inappropriate, as some plants slaughter multiple species.

Source: USDA, National Agricultural Statistics Service, Livestock Slaughter: 2007 Summary, March 2008, p. 52-53; USDA, National Agricultural Statistics Service, Poultry Slaughter: 2007 Annual Summary, February 2008, p. 33.

¹⁴ Bohrer B, New law legalizes mobile slaughter, *Billings Gazette*, April 30, 2005. See also Caliri L, The beef of small meat processors, *Roanoke Times*, May 1, 2005 and State proposes mobile trucks to do on-farm slaughtering, *High Plains Midwest Ag Journal*, March 26, 2007. The USDA has developed regulations to allow the shooting of bison in the field. USDA inspectors must be present and the animal's carcass delivered to a federal establishment within one day. Cloud J, Why the buffalo roam, *Time Magazine*, March 15, 2007.

The number of slaughter plants, both federally and non-federally inspected, has declined sharply in the past 40 years as a result of the consolidation of the U.S. meat industry (see Table 7). Numbers of state and custom plants have declined rapidly and consistently throughout the period, while the number of federal plants increased until the mid-1980s and then began to drop off.

According to NASS, in 2007:

- 14 plants slaughtered 54 percent of U.S. cattle
- Six plants slaughtered 63 percent of U.S. calves
- 11 plants slaughtered 51 percent of U.S. pigs
- Four plants slaughtered 68 percent of U.S. sheep and lambs¹⁵

Table 7. U.S. Livestock Slaughter Plants by Type of Inspection

1967 to 2007

| <u>Year</u> | <u>Federal Inspection</u> | <u>State/Other Inspection</u> | <u>Total Plants</u> |
|-------------|---------------------------|-------------------------------|---------------------|
| 1967 | 585 | 9,042 | 9,627 |
| 1968 | 571 | 8,643 | 9,214 |
| 1969 | 705 | 7,853 | 8,558 |
| 1970 | 726 | 7,017 | 7,743 |
| 1971 | 766 | 5,634 | 6,400 |
| 1972 | 984 | 5,172 | 6,156 |
| 1973 | 1,364 | 4,627 | 5,991 |
| 1974 | 1,437 | 4,410 | 5,847 |
| 1975 | 1,485 | 4,602 | 6,087 |
| 1976 | 1,741 | 4,514 | 6,255 |
| 1977 | 1,687 | 4,440 | 6,127 |
| 1978 | 1,750 | 4,434 | 6,184 |
| 1979 | 1,682 | 4,404 | 6,086 |
| 1980 | 1,627 | 4,320 | 5,947 |
| 1981 | 1,542 | 4,340 | 5,882 |
| 1982 | 1,688 | 4,048 | 5,736 |
| 1983 | 1,652 | 4,037 | 5,689 |
| 1984 | 1,666 | 3,892 | 5,558 |

¹⁵ USDA, National Agricultural Statistics Service, Livestock Slaughter: 2007 Summary, March 2008, p.58.

| | | | |
|------|-------|-------|-------|
| 1985 | 1,608 | 3,835 | 5,443 |
| 1986 | 1,544 | 3,652 | 5,196 |
| 1987 | 1,483 | 3,523 | 5,006 |
| 1988 | 1,387 | 3,453 | 4,840 |
| 1989 | 1,364 | 3,325 | 4,689 |
| 1990 | 1,268 | 3,281 | 4,549 |
| 1991 | 1,186 | 3,140 | 4,326 |
| 1992 | 1,125 | 2,896 | 4,021 |
| 1993 | 1,090 | 2,797 | 3,887 |
| 1994 | 1,030 | 2,733 | 3,763 |
| 1995 | 968 | 2,627 | 3,595 |
| 1996 | 988 | 2,560 | 3,548 |
| 1997 | 954 | 2,465 | 3,419 |
| 1998 | 966 | 2,372 | 3,338 |
| 1999 | 930 | 2,462 | 3,392 |
| 2000 | 909 | 2,357 | 3,266 |
| 2001 | 910 | 2,341 | 3,251 |
| 2002 | 881 | 2,326 | 3,207 |
| 2003 | 879 | 2,354 | 3,233 |
| 2004 | 853 | 2,239 | 3,092 |
| 2005 | 825 | 2,116 | 2,941 |
| 2006 | 806 | 2,087 | 2,893 |
| 2007 | 793 | 2,060 | 2,853 |

Source: USDA, National Agricultural Statistics Service, Livestock Slaughter—Annual Summary, 1969 to 2007. (<http://usda.mannlib.cornell.edu/MannUsda/viewDocumentInfo.do?documentID=1097>)

2.4 Location of plants

The largest U.S. cattle slaughter plants are located in close proximity to the large cattle feedlots of Nebraska, Kansas, eastern Colorado and the Texas Panhandle. States with the highest total number of livestock slaughter plants include Iowa, Kansas, Montana, Nebraska, Ohio, Pennsylvania, Texas and Wisconsin. However, while some of these states (Nebraska, Pennsylvania, Texas) have high numbers of both federal and non-federal plants, others have a high number of small non-federal plants, but relatively few plants under federal inspection. Montana, for example, had a total of 204 plants in

2007, of which only eight were federally inspected. Alaska, Arizona, Louisiana, Nevada, New Mexico, West Virginia and Wyoming all had four or fewer federal plants in 2007. (Numbers of plants by state and type of inspection are presented in Table 8.)

Table 8. U.S. Livestock Slaughter Plants by State and Type of Inspection

2006

| <u>State</u> | <u>Federal Inspection</u> | <u>State/Other Inspection</u> | <u>Total Plants</u> |
|--------------------|---------------------------|-------------------------------|---------------------|
| AL | 7 | 33 | 40 |
| AK | 3 | 0 | 3 |
| AZ | 3 | 11 | 14 |
| AR | 9 | 31 | 40 |
| CA | 32 | 37 | 69 |
| CO | 26 | 20 | 46 |
| DE-MD | 20 | 3 | 23 |
| FL | 20 | 0 | 20 |
| GA | 15 | 62 | 77 |
| HI | 12 | 0 | 12 |
| ID | 12 | 26 | 38 |
| IL | 34 | 58 | 92 |
| IN | 8 | 81 | 89 |
| IA | 25 | 124 | 149 |
| KS | 22 | 81 | 103 |
| KY | 20 | 28 | 48 |
| LA | 2 | 44 | 46 |
| MI | 29 | 35 | 64 |
| MN | 24 | 91 | 115 |
| MS | 6 | 17 | 23 |
| MO | 40 | 83 | 123 |
| MT | 8 | 196 | 204 |
| NE | 32 | 74 | 106 |
| NV | 3 | 0 | 3 |
| N ENG ^a | 21 | 16 | 37 |
| NJ | 15 | 2 | 17 |
| NM | 2 | 16 | 18 |

CRIMES WITHOUT CONSEQUENCES

| | | | |
|--------------|------------|--------------|--------------|
| NY | 36 | 30 | 66 |
| NC | 30 | 29 | 59 |
| ND | 11 | 54 | 65 |
| OH | 16 | 131 | 147 |
| OK | 7 | 62 | 69 |
| OR | 13 | 16 | 29 |
| PA | 91 | 159 | 250 |
| SC | 8 | 22 | 30 |
| SD | 9 | 88 | 97 |
| TN | 19 | 8 | 27 |
| TX | 45 | 71 | 116 |
| UT | 11 | 20 | 31 |
| VA | 17 | 41 | 58 |
| WA | 12 | 7 | 19 |
| WV | 4 | 21 | 25 |
| WI | 14 | 105 | 119 |
| WY | 0 | 27 | 27 |
| Total | 793 | 2,060 | 2,853 |

Notes

^a N ENG includes CT, ME, MA, NH, RI and VT.

Source: USDA, National Agricultural Statistics Service, Livestock Slaughter: 2006 Summary, March 2007, p. 58.

2.5 Plant inspection authority

The designated status of an individual slaughter plant as being either federal or state does not necessarily indicate what agency is responsible for conducting inspections, including those related to humane slaughter, as some federal plants are inspected by employees of state agricultural agencies and federal FSIS personnel inspect some state plants. Table 9 lists the four types of U.S. slaughter plant inspection authority currently in existence and which states fall under each type.

Table 9. Slaughter Plant Inspection Authority

1. Federal, state and custom plants under authority of the USDA. Inspection at federal plants conducted by the FSIS; inspection at state and custom plants conducted by state personnel (20 states):

Alaska, Arkansas, Connecticut, Florida, Hawaii, Idaho, Kentucky, Maryland, Massachusetts, Michigan, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Pennsylvania, Rhode Island, Tennessee, Washington

2. Federal plants under authority of the USDA. Inspection at federal, state and custom plants conducted by state personnel (nine states):

Alabama, Georgia (meat only), Illinois, Mississippi, North Carolina, Oklahoma, Texas, Utah, Virginia

3. Federal plants under authority of the USDA. Inspection at federal plants conducted by the FSIS; inspection at state and custom plants conducted by state personnel (18 states):

Arizona, Delaware, Indiana, Iowa, Kansas, Louisiana, Maine, Minnesota, Missouri, Montana, North Dakota, Ohio, South Carolina, South Dakota (meat only), Vermont, West Virginia, Wisconsin, Wyoming

4. Federal and state plants under authority of the USDA. Inspection at federal and state plants conducted by the FSIS; inspection at custom plants conducted by state personnel with FSIS supervision (3 states):

California, Colorado, New York

Sources: USDA-FSIS, Requirements for state programs (http://www.fsis.usda.gov/regulations_&_policies/state_inspection_programs/index.asp); USDA-FSIS, Cooperative inspection program functions (<http://www.fsis.usda.gov/OPPDE/FSLGRS/MPI/oversight.htm>).

Currently, 27 states (types 2 and 3 above combined) run their own meat inspection programs. These states operate their programs in cooperation with the FSIS, which provides up to 50 percent of the funding.¹⁶ The states must provide enforcement requirements “at least equal to” those imposed under the Federal Meat Inspection Act¹⁷ and the Poultry Products Inspection Act¹⁸. Individual slaughter plants may apply to be inspected under either federal or state inspection; however, products produced in state inspected plants may only be sold in intrastate commerce. The FSIS certifies state

¹⁶ Becker G, Meat and poultry inspection: background and selected issues, Congressional Research Service, Report RL32922, updated December 2005.

¹⁷ 21 U.S.C. 601 et seq.

¹⁸ 21 U.S.C. 451 et seq.

inspection programs annually based on a review of the state's self-assessment as well as FSIS reviews that are performed every one to five years.¹⁹ Humane handling is one of nine components evaluated.²⁰

Nine states (type 2 above) have assumed the authority to assist the USDA with administration and enforcement of federal food inspection laws. This authority is granted under the Talmadge-Aiken Act of 1962²¹, and the slaughter plants inspected under this authority are referred to as "federal-state cooperative inspection plants" (formerly "Talmadge-Aiken" plants). In order to qualify for a cooperative inspection agreement with the USDA, state agriculture agencies must demonstrate they have adequate laws, facilities, personnel and procedures to administer the federal laws. Inspection personnel are supervised by the state with guidance from the FSIS.²²

Three states (type 4 above) have entered into cooperative agreements with the FSIS to provide inspection authority for their custom plants but not for their state plants. In these states, personnel perform reviews of custom slaughter plants with the annual FSIS assessment of the process. In states with meat inspection programs, state personnel review custom plants, and in states without inspection programs (other than the three mentioned above), FSIS personnel review the plants.²³

¹⁹ In January 2007, one state program (New Mexico) was deferred, pending verification of the state's implementation of corrective actions. FSIS review of state programs: summary report, January 2007. On July 13, 2007, the FSIS announced that inspection of New Mexico state establishments would be taken over by the FSIS, effective August 13, 2007. See USDA-FSIS, Designation of the state of New Mexico under the Federal Meat Inspection Act and Poultry Products Inspection Act; final rule, *Federal Register*, Vol. 72, No. 134, July 13, 2007, pp. 38467-38468. Information regarding state inspection programs is available on the Regulation and Policies section of the FSIS website (see http://www.fsis.usda.gov/regulations_&_policies/Requirements_for_State_Programs/index). See also FSIS Directive 5720.2, rev 3 (state cooperative inspection programs), November 16, 2004.

²⁰ FSIS review of state programs: summary report, January 2007.

²¹ 7 U.S.C. 450.

²² USDA-FSIS, Cooperative inspection program functions. (<http://www.fsis.usda.gov/OPPDE/FSLGRS/MPI/oversight.htm>)

²³ *Ibid.*

3. History of U.S. Humane Slaughter Initiatives

The Federal Meat Inspection Act, which requires government oversight of the slaughter of cattle, sheep, goats, pigs, horses, mules and other equines for human consumption, became U.S. law in 1906, following publication of Upton's Sinclair's classic novel, *The Jungle*. But while Sinclair voiced concern for the fate of animals in slaughterhouses who were being mercilessly bludgeoned to death by sledgehammers, the scope of the law was limited to food safety.

In fact, animal advocates in the United States had been faced with the issue of cruel slaughterhouse methods since the inception of the humane movement in the late 1800s, as described by this excerpt from a 1960s article on the history of humane slaughter: "During the early years of the American Humane Association (AHA), many humanitarians visited abattoirs throughout the country and brought to the annual AHA meetings reports of blood, filth and pain. But beyond their reports—and indignant discussions among other delegates at the annual meetings—nothing of any moment was accomplished toward the elimination of slaughterhouse cruelties."²⁴

That changed when AHA and other U.S. animal advocacy groups initiated an intensive publicity campaign in the 1920s to educate the public about the need for more humane slaughter methods. In 1929, the AHA and the American Meat Institute (AMI), the trade association of the slaughter industry, formed a joint committee to work on humane slaughter methods and devices, and in the 1950s, the AHA introduced its "Seal of Approval," which it granted to companies for the humane slaughtering of meat animals. By this time, the largest slaughter companies had begun to introduce in their plants methods to render animals insensible to pain before slaughtering or bleeding.²⁵ Although the meat packers promised to adopt humane methods voluntarily and the AHA announced with confidence that the packers are with us, they were not.

In 1955, to promote the adoption of humane stunning technology by the slaughter industry, Senator Hubert H. Humphrey of Minnesota introduced the first humane slaughter legislation in the U.S. Senate. The meat packers sought adoption of a study bill, rather than a legal mandate for humane slaughter, but they did not prevail. The humane slaughter legislation eventually passed in 1958, following one of the most intensive lobbying and public relations campaigns ever conducted in congressional history, and it was signed into law by President Eisenhower, to become effective June 30, 1960.

However, while the original Humane Methods of Slaughter Act required that all U.S. slaughter plants selling meat to the federal government use humane methods, the law lacked an enforcement mechanism. This problem was addressed by an amendment to the Federal Meat Inspection Act sponsored by Senator Robert Dole of Kansas and

²⁴ The campaign for humane slaughter, *The National Humane Review*, January-February 1962, p. 51.

²⁵ *Ibid.*

Representative George E. Brown, Jr. of California, enacted in 1978, which expanded coverage of the humane slaughter law to meat imported into the United States and provided a more effective enforcement mechanism.²⁶ The Humane Methods of Slaughter Act of 1978 gave federal inspectors the authority to stop slaughter operations to prevent inhumane practices. Regulations promulgated by the USDA under the Act included humane handling requirements, such as access to water and feed, adequate room for lying down, a prohibition on the use of pipes and metal objects, and limits on the use of electric prods to move animals.²⁷

The level of government enforcement of the Humane Methods of Slaughter Act following its passage in 1978 is not well-documented. In the late 1970s, a revolution was taking place in the American slaughter industry. The largest companies, led by Iowa Beef Processors (IBP), busted meatpacking unions by relocating plants from large cities, such as Chicago and Omaha, to rural areas. They recruited immigrant workers from Mexico, and slaughterhouse wages fell by as much as 50 percent. They also sharply increased production to drive their competition out of business, and as a result, thousands of small-sized plants closed shop (see discussion of numbers of U.S. slaughter plants in Section 2.3). These changes—increased production, decreased worker qualifications and increased political power in the hands of a few mega-companies—likely had a negative effect on the welfare of animals in slaughter plants.

In the late 1980s, Gail Eisnitz, an investigator for HFA, heard stories about cattle being skinned alive in a Florida slaughter plant. She took on a widespread investigation of U.S. slaughter practices that lasted more than six years and culminated in the publication of her book, *Slaughterhouse*.²⁸ At the same time that Eisnitz was amassing worker testimonials on slaughter abuse, environmental and animal welfare activists in London were battling the McDonald's Corporation in court over, among other things, the description of the fast food giant's handling of animals at slaughter (the case became commonly known as the "McLibel trial").²⁹ Simultaneously, Dr. Temple Grandin, an animal handling scientist at Colorado State University, was drafting animal stunning and handling guidelines for AMI and designing humane handling systems for some of the country's largest slaughter plants.³⁰

The outcome of these three events—the Eisnitz investigation, the "McLibel" trial, and the industry work of Grandin—set into motion a decade-long focus on the issue of humane slaughter in the United States, not seen since the days of lobbying for the first humane slaughter law in the 1950s. Following is a brief timeline of some of the benchmarks of the past decade.

²⁶ For a review of the history of humane slaughter laws, see Leavitt ES (with update by D Halverson), Humane slaughter laws in *Animals and Their Legal Rights*, Animal Welfare Institute, 1990 (4th ed), pp. 52-65.

²⁷ *Federal Register*, Vol. 44, November 30, 1979, p. 68813.

²⁸ Eisnitz G, *Slaughterhouse: The Shocking Story of Greed, Neglect, and Inhumane Treatment Inside the U.S. Meat Industry*, Prometheus Books, 1997.

²⁹ For information about the "McLibel" case, see <http://www.mcspotlight.org>.

³⁰ For information about Dr. Grandin's work, see <http://www.grandin.com>.

- 1996** Dr. Temple Grandin conducts an audit of 24 federal slaughter plants in 10 states for the USDA. She finds only 30 percent of plants able to effectively stun 95 percent or more of cattle with one shot of captive bolt gun, as required by federal humane slaughter law.³¹
- 1997** USDA Technical Services Center staff conducts an audit of humane slaughter and ante-mortem inspection procedures at 61 federal livestock slaughter plants. It finds incidents of inhumane handling at 21 percent of the plants and excessive time between stunning and bleeding at 56 percent of plants.³²

A judge in trial of London activists for libeling McDonald's Corporation finds the fast food giant "culpably responsible for cruel practices in the rearing and slaughter of some of the animals which are used to produce [its] food." The judge finds that some chickens endure rough handling before slaughter and have their throats cut while still conscious.³³

Slaughterhouse: The Shocking Story of Greed, Neglect, and Inhumane Treatment Inside the U.S. Meat Industry, by humane investigator Gail Eisnitz, is published.

- 1998** The USDA begins a 2-year phase-in of a new food safety monitoring program, Hazard Analysis Critical Control Points (HACCP). Under HACCP, the slaughter industry is given increased authority for self-oversight and procedural code for tracking humane slaughter violations is eliminated.³⁴

Current and former USDA food safety inspectors testify at a news conference that slaughterhouses routinely ignore humane slaughter law and butcher still-conscious animals to keep production lines moving.³⁵

Representative George E. Brown, Jr. (D-CA), sponsor of 1978 legislation to strengthen enforcement of Humane Methods of Slaughter Act, sends a letter to then-USDA Secretary Dan Glickman, urging him to "take whatever actions are necessary to ensure the prompt and effective enforcement" of the law.³⁶

³¹ Grandin T, Survey of stunning and handling in Federally inspected beef, veal, pork, and sheep slaughter plants, 1997. (<http://www.grandin.com/survey/usdarpt.html>)

³² USDA-FSIS, Special survey on humane slaughter and ante-mortem inspection, March 1998. (<http://www.fsis.usda.gov/oa/pubs/antemort.pdf>)

³³ The "McLibel" verdict, which was issued in June 1997, can be accessed at <http://www.mcspotlight.org/case/trial/verdict/summary.html>.

³⁴ USDA-FSIS, Pathogen reduction; hazard analysis and critical control point (HACCP) systems; final rule, *Federal Register* [, Vol. 61, No. 144, July 25, 1996, pp. 38805-38855.

³⁵ Vorman J, USDA inspector claims cattle, pigs often brutalized, Reuters, April 2, 1998.

³⁶ Krizner K, Congressman demands enforcement of humane slaughter legislation, *Daily News*, April 14, 1998.

US Animal Health Association adopts a resolution to encourage “strong enforcement of the federal Humane Slaughter Act by the USDA-FSIS to prevent abuses to animals protected under the Act.”³⁷

1999

McDonald’s Corporation begins audits of slaughter practices of its meat suppliers and says it will stop buying from those with repeated violations of humane slaughter standards.³⁸

2000

KING-TV in Seattle, Wash. airs undercover investigation of Iowa Beef Processors (now Tyson Foods) slaughterhouse in Wallula, showing inadequately stunned animals being dismembered and other humane slaughter abuses. Following its investigation, a petition is submitted by HFA to the state of Washington, requesting prosecution of the slaughter plant for violations of state humane slaughter and animal cruelty laws.³⁹

McDonald’s begins unannounced audits of slaughter plants and finds lower stunning efficacy scores for plants not warned in advance of audit compared with plants undergoing scheduled audits.⁴⁰

2001

The Washington Post publishes a slaughterhouse expose prompted by 2000 investigation of Wallula plant. The paper reviews USDA documents from 1996 and finds inconsistent enforcement of humane slaughter law.⁴¹

The USDA issues agency memorandum to FSIS district offices, inspection personnel and livestock slaughter plants, reminding them of the importance of monitoring and enforcing humane handling and slaughter regulations.⁴²

Senator Robert C. Byrd (D-WV) delivers speech on importance of humaneness of animal slaughter on floor of Congress.⁴³ Byrd secures \$1 million appropriation specifically targeted for humane slaughter enforcement.

³⁷ AWI, <http://www.awionline.org/farm/aw474far.htm>.

³⁸ For information about McDonald’s animal welfare program, see <http://www.mcdonalds.com/corp/values/purchasing/animalwelfare.html>.

³⁹ Sanders E, Workers accuse slaughterhouse of animal cruelty, *Seattle Times*, May 1, 2000. See also Locke orders probe of alleged cruelty at IBP slaughterhouse, *Seattle Post-Intelligencer*, May 5, 2000; Animal welfare group says cattle slaughtered inhumanely at Washington plant, *Seattle Post-Intelligencer*, January 25, 2001.

⁴⁰ Grandin T, 2000 McDonald’s audits of stunning and handling in federally inspected beef and pork plants, no date. (<http://www.grandin.com/survey/2000McDonalds.rpt.html>)

⁴¹ Warrick T, They die piece by piece, *The Washington Post*, April 10, 2001.

⁴² USDA-FSIS, Humane slaughter (fact sheet), May 22, 2001. (http://www.fsis.usda.gov/Fact_Sheets/Key_Facts_Humane_Slaughter/index.asp)

⁴³ Congressional Record, July 9, 2001.

The USDA issues inspection system procedure (ISP) code for humane handling and slaughter violations to be used in citing plants for violations of regulatory requirements.⁴⁴

HFA, along with AWI, the National Joint Council of Food Inspection Locals, the American Society for the Prevention of Cruelty to Animals (ASPCA), the Government Accountability Project, the Humane Society of the United States (HSUS), the Physician's Committee for Responsible Medicine, and Public Citizen, files rulemaking petition with the USDA, requesting remedy for humane slaughter violations at U.S. slaughterhouses—specifically that the USDA (1) permanently station inspectors at critical locations, (2) require inspectors stop slaughter operations when humane violations are observed, and (3) adopt “whistleblower” regulations to protect workers who report humane violations.⁴⁵

Burger King announces it will require meat suppliers to comply with humane slaughter standards and will begin supplier audits in late 2001. Company also submits petition to the USDA, requesting increased enforcement of humane slaughter law.⁴⁶

Food Marketing Institute (FMI) and National Council of Chain Restaurants (NCCR) form an alliance to address care and handling of animals used for food. These food industry trade associations eventually accept AMI humane handling/slaughter standards for livestock and National Chicken Council (NCC) standards for meat chickens.⁴⁷

2002

The USDA creates 17 new veterinary positions, originally called “Humane Handling Verification Experts/Liaisons.” The majority of their time is spent on tasks unrelated to humane slaughter—contrary to the purpose of the funding secured by Senator Byrd. The USDA changes their title to “District Veterinary Medical Specialists.”^{48,49}

Congress approves 2002 Farm Act that includes resolution expressing that the USDA should fully enforce federal humane slaughter law and report number of violations to Congress annually.⁵⁰

⁴⁴ USDA-FSIS, ISP procedure code for humane slaughter, FSIS Notice 43-01, October 11, 2001.

⁴⁵ Petition to USDA can be accessed at http://www.hfa.org/hot_topic/usda_petition.html.

⁴⁶ For a discussion of Burger King's and other fast food retailers' animal welfare auditing programs, see Farm Sanctuary, Farm animal welfare: an assessment of product labeling claims, industry quality assurance guidelines and third party certification standards, 2005. (http://www.farmsanctuary.org/campaign/FAWS_Report.pdf)

⁴⁷ For information about the FMI-NCCR animal welfare auditing program, see http://www.fmi.org/animal_welfare/.

⁴⁸ USDA-FSIS, New FSIS veterinary positions to oversee humane slaughter and handling issues (news release), February 1, 2002. (http://fsis.usda.gov/News_&_Events/2002_News_Releases/index.asp)

⁴⁹ HFA and AWI, Humane Methods of Slaughter Act (HMSA) fact sheet, 2004, p. 2.

⁵⁰ P.L. 107-171, H.Rept. 107-424. See also Becker G, Meat and poultry inspection: background and selected issues, Congressional Research Service, December 12, 2005.

Audits by Dr. Temple Grandin and fast food industry find problems with new slaughter plants, with four of five new cattle and pig plants failing to meet stunning standards.⁵¹

2003

Congress approves FY2003 spending bill, including a measure directing the USDA to spend \$5 million on improved enforcement of humane slaughter law, including hiring of 50 additional inspectors to oversee agency's compliance.⁵² In May, under harsh questioning from Senator Byrd, Agriculture Secretary Ann Veneman admits no new inspectors have been hired.⁵³

The food service industry Animal Welfare Audit Program begins audits of livestock and poultry slaughter plants upon request of individual food retailers. Fast food companies represent primary participants in program.⁵⁴

Language included in the FY2004 spending bill directs the USDA to continue process of hiring humane enforcement personnel.⁵⁵

2004

The USDA places regulatory ban on slaughtering of downed (non-ambulatory) cattle for human food following finding of bovine spongiform encephalopathy (BSE, or "mad cow disease") in U.S. dairy cow.⁵⁶ (Previous congressional attempts by animal advocates to prohibit slaughter of downed animals on humane and food safety grounds had failed.)

In response to a request by Congress, the U.S. Government Accountability Office (GAO) releases a report on scope and frequency of humane slaughter violations and USDA actions to enforce compliance with humane handling and slaughter regulations. Report cites incomplete record keeping, inconsistent documentation of the nature of incidents and inconsistency in enforcement actions by the USDA to address noncompliance.⁵⁷

⁵¹ Grandin T, 2002 restaurant audits of stunning and handling in federally inspected beef and pork slaughter plants, no date. (<http://www.grandin.com/survey/2002.restaurant.audits.html>)

⁵² P.L. 108-7.

⁵³ HFA and AWI, Exchange between Senator Byrd and Secretary Veneman, Senate Agriculture Appropriations Hearing, May 2003.

⁵⁴ http://www.fmi.org/animal_welfare/.

⁵⁵ P.L. 108-199.

⁵⁶ USDA-FSIS, Prohibition of the use of specified risk materials for human food and requirements for the disposition of non-ambulatory disabled cattle, *Federal Register*, Vol. 69, No. 7, January 12, 2004, pp. 1862-1874.

⁵⁷ GAO, Humane Methods of Slaughter Act: USDA has addressed some problems but still faces enforcement challenges, GAO-04-247, January 2004.

The USDA-FSIS announces implementation of a new electronic tracking system, Humane Activities Tracking (HAT), to document inspection activities that monitor compliance with humane handling and slaughter regulations at federally inspected plants.⁵⁸

In its FY2005 appropriations act, Congress directs that no less than 63 full-time equivalents (FTEs) be devoted to humane enforcement, and approves an appropriation of \$3 million to incorporate the agency's HAT system into its field computer systems.⁵⁹ Use of the term "FTE" in both FY2003 and FY2005 permits the USDA to distribute humane slaughter law enforcement among existing staff, rather than hire new staff with the sole responsibility of enforcing humane handling and slaughter requirements.

2005

The World Organization for Animal Health (OIE) approves international guidelines for the welfare of food animals during pre-slaughter and slaughter processes.⁶⁰

Congress provides \$4 million for the FSIS to complete incorporation of the HAT system into all U.S. slaughter plants. In addition, the Senate committee report of FY2006 appropriations bill states that its appropriation provides funding to maintain the 63 FTEs added by FY2005 spending bill.⁶¹

During annual appropriations process, the Senate approves ban on the slaughter of non-ambulatory animals, including sheep, pigs, goats, horses, mules and other equine, for human consumption. House fails to back ban, and measure is dropped from final law by congressional conference committee.⁶²

A lawsuit is filed against the USDA on behalf of HSUS and specified individuals challenging the USDA's decision to exclude birds from coverage under the Humane Methods of Slaughter Act.⁶³

⁵⁸ USDA-FSIS, FSIS unveils new Humane Activities Tracking System (news release), February 2, 2004. (http://fsis.usda.gov/News_&_Events/2004_News_Releases/index.asp)

⁵⁹ P.L. 108-447.

⁶⁰ World Organization for Animal Health, *Guidelines for the slaughter of animals*, Terrestrial Animal Health Code, Appendix 3.7.5, 2006.

⁶¹ P.L. 109-97. See also Becker G, Meat and poultry inspection: background and selected issues, Congressional Research Service, December 12, 2005.

⁶² Becker G, Meat and poultry inspection: background and selected issues, Congressional Research Service, December 12, 2005.

⁶³ Humane Society of the United States, The HSUS files lawsuit challenging USDA's exclusion of birds from the Humane Methods of Slaughter Act (news release), November 21, 2005. (http://www.hsus.org/press_and_publications/press_releases/the_hsus_files_lawsuit_Challenging_USDA's_Exclusion.html)

2006 A U.S. District Court judge rejects motion by the USDA to dismiss lawsuit challenging agency's decision not to apply humane slaughter requirements to birds. Judge also dismisses HSUS and other animal advocacy organizations from suit but determines that individuals have standing to sue.⁶⁴

Packaged-food giant ConAgra sends letter to its chicken suppliers urging them to "evaluate the method of slaughter known as 'controlled-atmosphere killing,' which some studies indicate is the most humane form of poultry slaughter available and also improves product quality and yield when compared to conventional methods."⁶⁵ Tyson Foods requests the University of Arkansas conduct research to determine whether controlled-atmosphere killing is a more humane alternative to conventional electrical stunning.⁶⁶

2007 Burger King announces it has implemented a preference for suppliers that use controlled-atmosphere stunning (CAS) of chickens raised for meat.⁶⁷

Wendy's International says it will give purchasing preference to chicken suppliers who explore and test CAS systems.⁶⁸

Hardee's and Carl's Jr. fast-food chains issued statements to their chicken suppliers saying they will, "give consideration to approved suppliers who actively explore and test CAS systems."⁶⁹

2008 The Safeway grocery chain announces that it is "actively looking" to increase the amount of chicken it purchases from suppliers that use CAS.⁷⁰

Harris Teeter, a grocery store chain with 200 stores in seven states, agrees to begin purchasing 2 percent of its turkey meat from suppliers that use CAS and to increase its purchase of chickens slaughtered with this method by 5 percent over the next 3 years.⁷¹

Chipotle gives purchasing preference to suppliers using controlled-atmosphere killing (CAK).⁷²

⁶⁴ Poultry slaughter suit okayed, *San Francisco Chronicle*, September 7, 2006. See also Court keeps poultry slaughter case alive, Reuters, September 6, 2006.

⁶⁵ Karapetian A, ConAgra urges suppliers to adopt PETA-endorsed chicken slaughter method, <http://www.Meatingplace.com>, July 12, 2006.

⁶⁶ Gregerson J, Tyson asks university to perform animal welfare research, <http://www.Meatingplace.com>, October 9, 2006.

⁶⁷ Martin A, Burger King shifts policy on animals, *The New York Times*, March 28, 2007.

⁶⁸ Wendy's seeking more meat from humane suppliers, Reuters, July 12, 2007.

⁶⁹ Salter J, Hardee's, Carl's Jr. and PETA reach deal, Associate Press, September 26, 2007.

⁷⁰ Etter, L, Safeway embraces animal welfare, *Wall Street Journal*, February 12, 2008

⁷¹ Storck AB, Harris Teeter vows to give preference to animal-welfare-friendly suppliers, <http://www.Meatingplace.com>, February 22, 2008.

⁷² Klingele L, Chipotle to give preference to humanely slaughtered chickens, <http://www.Meatingplace.com>, March 17, 2008

4. Federal Humane Slaughter Law

Congress enacted the Humane Methods of Slaughter Act in 1958 “to establish the use of humane methods of slaughter of livestock as a policy of the United States, and for other purposes.”⁷³ The Act covers ante-mortem handling of animals, in addition to the slaughter process itself. It 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. In addition to these stunning methods, ritual slaughter in accordance with the requirements of a religious faith is deemed to be humane. The Act also provides a specific exemption for ritual slaughter.

7 U.S.C. Sec. 1901. Findings and declaration of policy

The Congress finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economics in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce. It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

Sec. 1902. Humane methods

No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane. Either of the following two methods of slaughtering and handling is hereby found to be humane:

- (a) in the case of cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or*
- (b) by slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering.*

Sec. 1906. Exemption for ritual slaughter

Nothing in this chapter shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of this chapter, in order to protect freedom of religion, ritual slaughter and the handling or other preparation of livestock for ritual slaughter are exempted from the terms of this chapter. For the purposes of this section the term “ritual slaughter” means slaughter in accordance with section 1902 (b) of this title.

⁷³ 7 U.S.C. 1901 et seq.

Congress has taken action related to the Humane Methods of Slaughter Act (other than funding initiatives) four times since the law's initial passage. The Humane Methods of Slaughter Act of 1978 provided an enforcement mechanism by giving food safety inspectors the authority to stop production by withholding inspection until any observed cruel handling or slaughter practices are corrected. The law also expanded coverage of the Act by requiring that any meat imported into the United States come from animals slaughtered under standards equivalent to the federal humane slaughter law and its regulations.⁷⁴

21 U.S.C. Sec. 603. Inspection of meat and meat food products

(a) Humane methods of slaughter

For the purpose of preventing the inhumane slaughtering of livestock, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the method by which cattle, sheep, swine, goats, horses, mules, and other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this Act. The Secretary may refuse to provide inspection or cause inspection to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901-1906), until the establishment furnishes assurances satisfactory to the Secretary that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such a method.

Sec. 610. Prohibited acts

No person, firm, or corporation shall, with respect to any cattle, sheep, goats, horses, mules, or other equines or any carcasses, parts of carcasses, meat or meat food products of any such animals—

(a) Humane methods of slaughter

Slaughter or handle in connection with slaughter any such animals in any manner not in accordance with the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901-1906);

Sec. 620. Imports

(a) No carcasses, parts of carcasses, meat or meat food products of cattle, sheep, swine, goats, horses, mules, or other equines which are capable of use as human food, shall be imported into the United States if such articles are adulterated or misbranded and unless they comply with all the inspection, holding construction standards, and all other provisions of this Act and regulations issued thereunder applicable to such articles in commerce within the United States. No such carcasses, parts of carcasses, meat or meat food products shall be imported into the United States unless the livestock from which they were produced was slaughtered and handled in connection with slaughter in accordance with the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901-1906)....

⁷⁴ See Section 6 for a discussion of the enforcement of humane slaughter at foreign plants.

In 1996, Congress approved legislation to allow the USDA to issue guidelines for the regulation of the commercial transportation of equines for slaughter.⁷⁵ A section was added to the humane slaughter law in 2002 to address practices involving non-ambulatory animals. This amendment (7 U.S.C. 1907) directed the Secretary of Agriculture to investigate and submit a report to Congress on the scope, causes and treatment of non-ambulatory (or “downed”) animals. If determined to be necessary, the Secretary is to “promulgate regulations to provide for the humane treatment, handling, and disposition of nonambulatory livestock by stockyards, market agencies, and dealers.”⁷⁶ A resolution as part of the 2002 farm bill was also passed, expressing the desire that the Secretary of Agriculture fully enforce the humane slaughter law and continue tracking violations and report those data and relevant trends annually to Congress.⁷⁷

4.1 Species covered

The 1958 humane slaughter law requires pre-slaughter stunning of “cattle, calves, horses, mules, sheep, swine, and *other livestock*” (emphasis added). However, the 1978 amendments to the Federal Meat Inspection Act reference “cattle, sheep, swine, goats, horses, mules, or other equine” with no mention of *other livestock*. The USDA has not promulgated regulations to cover any additional species, with the exception of exotic animals, defined as reindeer, elk, deer, antelope, bison and water buffalo. Stunning of these animals must be performed in accordance with the federal humane slaughter regulations, but only if the slaughter establishment wishes to market its products as being government (federal or state) inspected. At present, federal food inspection is not required for the slaughter of exotic animals except under a voluntary program.⁷⁸

In 1999, the USDA Meat and Poultry Advisory Committee submitted a concept paper on extending USDA inspection to additional species. The goal of expanding coverage to other species was stated to be to “ensure that animal flesh foods, commercially slaughtered or processed for human consumption, are federally- or state-inspected for safety and wholesomeness.”⁷⁹ In 2001, Congress provided that the slaughter of ratites and squabs be subject to the ante-mortem and post-mortem requirements of the Poultry Products Inspection Act.⁸⁰ While extending USDA inspection to other species does not place these animals under the protection of the humane slaughter law, it would allow for an enforcement mechanism should Congress or the USDA decide to amend the law or its regulations to cover additional species.

⁷⁵ P.L. 104-127, title IX, subtitle A, April 4, 1996, 110 Stat. 1184.

⁷⁶ P.L. 107-171, title X, Sec. 10815, May 13, 2002, 116 Stat. 532.

⁷⁷ P.L. 107-171, title X, Sec. 10305, May 13, 2002, 116 Stat. 493.

⁷⁸ 9 CFR 352.10. Individual states have covered some “exotic” animals under their humane slaughter laws (see Section 7.1).

⁷⁹ USDA-FSIS, Office of Policy, Program Development and Evaluation, Concept paper on extending USDA’s inspection program to additional species (discussion draft), October 1999. (http://www.fsis.usda.gov/OPPDE/NACMPI/May2000/Concept_Paper_Atch1.html)

⁸⁰ USDA-FSIS, Attachment to FSIS constituent update (Ratite and squab mandatory inspection), April 20, 2001. (<http://www.fsis.usda.gov/oa/update/042001att3.htm>) Moving in the opposite direction of less oversight, in 2007 Congress approved as part of the Agricultural Viability Act of 2007 the sale of up to 1,000 farm-raised and farm-slaughtered chickens or turkeys without USDA inspection. See Pasanen M, Small farms can sell chickens locally without USDA inspection, *Burlington Free Press*, August 21, 2007.

In 1957, a total of eight bills were pending in the U.S. House of Representatives to establish requirements for humane slaughter. One of the bills, clearly the weakest, attempted to deflect any action by setting up an advisory body to study the issue, but each of the other seven measures mandated the humane slaughter of both livestock and poultry. Industry pressure against federal oversight of slaughter was intense and by the following year the legislation introduced and eventually adopted by Congress covered livestock only.

The nation's humane slaughter laws currently do not cover 98 percent of animals killed for food, as the USDA has not applied the federal law to birds. Animal advocates have made several attempts to promote the protection of chickens, turkeys and other birds at slaughter, including the introduction of federal legislation. Moreover, in November 2005 HSUS, joined by East Bay Animal Advocates and several individual consumers, filed a complaint in the Federal District Court in San Francisco under the Administrative Procedures Act seeking humane slaughter coverage for birds.

In December 2005, HFA also filed a complaint in the San Francisco court seeking that the provisions of the Federal Humane Methods of Slaughter Act be applied to poultry, as well as to rabbits and specific exotic animals (bison, reindeer, elk and antelope). U.S. District Judge Marilyn Hall Patel rejected a dismissal motion by the USDA, but also dismissed the HFA suit entirely and dismissed the HSUS and East Bay Animal Advocates as plaintiffs from the other case, citing lack of standing to sue.

However, Patel ruled that the HSUS suit could go forward with the individual consumers as plaintiffs. In March 2008, Judge Patel granted summary judgment to the USDA and dismissed the lawsuit, saying that Congress did not intend to include birds when it enacted the HMSA.⁸¹

4.2 Methods allowed

The humane slaughter law requires that animals killed for food, other than those killed in accordance with ritual requirements, are rendered insensible to pain “by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective.” Regulations promulgated by the USDA recognize the use of gunshot, captive bolt device, electrical current and carbon dioxide gas to stun animals. Neither the law nor its implementing regulations prohibit the use of any particular stunning method. However, the USDA does not consider the use of a sledgehammer or ax to be humane.⁸²

⁸¹ Karapetian A, Judge rules poultry are not “livestock,” <http://www.Meatingplace.com>, March 5, 2008.

⁸² USDA-FSIS, Human Resources Development Staff, For the welfare of livestock (interactive CD training guide), July 1998.

4.3 Exemptions

Federal law allows the shackling, hoisting and cutting of conscious animals when performed in accordance with ritual requirements of the Jewish or other religious faith. Although severing the animal's throat with one cut of a sharp knife is generally considered acceptable from a humane standpoint⁸³, shackling and hoisting an alert animal is without question inhumane. An efficient upright restraint system has been developed and installed in many, but not all, kosher slaughter establishments.⁸⁴

The ritual exclusion does not exempt ritual slaughter establishments from complying with humane handling requirements. Moreover, slaughter plants may be cited for failure to produce unconsciousness "by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument." For example, the USDA-FSIS has issued NRs to slaughter establishments for using multiple cutting strokes before severing the arteries. The inspector filing one such citation noted that a 10-animal sample averaged more than five back and forth cutting strokes before severing the arteries.⁸⁵ In another case, the FSIS issued an NR to an Islamic establishment for stabbing conscious lambs directly in the heart.⁸⁶ In addition, the FSIS and the Texas Department of Health have cited plants for using ritual slaughter procedures in the absence of a Jewish or Muslim representative and for failure to have on file written ritual slaughter procedures from a religious authority.

4.4 Application

The Federal Meat Inspection Act and its regulations, including those related to humane handling and slaughter, apply to all federal and state inspected slaughter plants. On-farm slaughter by the farm owner or operator or by a commercial, mobile slaughtering operation is exempt, unless specifically covered under state law. Custom slaughter establishments also are exempt; however, these operations are required to comply with certain sanitary requirements of the food safety regulations.⁸⁷ While spokespersons for the USDA have indicated that custom exempt establishments are expected to comply with humane handling and slaughter procedures as well⁸⁸, no legal requirement currently exists that they do so.

4.5 Penalties

The Federal Meat Inspection Act provides both civil and criminal penalties, although the latter are seldom assessed.⁸⁹ The USDA may refer humane enforcement cases to the appropriate U.S. Attorney for criminal prosecution; however, no criminal prosecutions

⁸³ Grandin T, Kosher slaughter done right, *Jerusalem Post*, December 2004.

⁸⁴ For a discussion of the development and use of upright restraining devices, see Leavitt ES (with update by Halverson D), Humane slaughter laws in *Animals and Their Legal Rights*, Animal Welfare Institute, 1990 (4th ed), pp. 52-65.

⁸⁵ NR issued to plant #00357M on October 16, 2003.

⁸⁶ NR issued to plant #20708M on March 3, 2003.

⁸⁷ 9 CFR 303.1.

⁸⁸ Dee J, Slaughterhouse denies inhumane practices, *Times of Trenton*, January 21, 2006.

⁸⁹ 21 U.S.C. 676.

were found for humane handling/slaughter violations in a review of the FSIS Quarterly Enforcement Reports from 2000 through 2006.⁹⁰

The FSIS can, and does, take various regulatory control actions because of inhumane handling or slaughter of livestock.⁹¹ These actions include issuance of NRs, reject tags, NOIEs, suspensions, letters of warning, and withdrawal of inspection. Three of these actions—reject tags, suspensions and withdrawal of inspection—cease operations in all or part of an establishment or cease the use of a particular piece of equipment, holding pen, or driveway/ramp.⁹²

4.6 Regulations, notices and directives

The USDA published its regulations implementing the 1978 Humane Methods of Slaughter Act in the *Federal Register* in late 1979.⁹³ The regulations address facility construction and maintenance, handling of animals in connection with slaughter and acceptable methods of stunning. Relevant sections of the Code of Federal Regulations (Title 9) are as follows:

- Sec. 313.1 Livestock pens, driveways and ramps
- Sec. 313.2 Handling of livestock
- Sec. 313.5 Chemical; carbon dioxide
- Sec. 313.15 Mechanical; captive bolt
- Sec. 313.16 Mechanical; gunshot
- Sec. 313.30 Electrical; stunning or slaughtering with electric current
- Sec. 313.50 Tagging of equipment, alleyways, pens or compartments to prevent inhumane slaughter or handling in connection with slaughter

For the most part, the USDA prefers to set performance standards. This means that its regulations describe the outcome expected, but not how it is to be achieved. For example, regulations state that animals held in pens overnight must have “sufficient room” to lie down, but no minimum space allowances or maximum stocking densities are provided. (Major provisions of the regulations are described in Appendix A of this report.)

The humane slaughter regulations have been modified only once in recent years. In 1994, the USDA-FSIS amended the regulations to permit use of carbon dioxide to kill—and not merely stun—pigs. The amendment was prompted by a petition filed by the Danish and Swedish Meat Research Institute on behalf of Danish pork companies wishing to import into the U.S. products from animals killed with carbon dioxide gas.⁹⁴

⁹⁰ FSIS Quarterly Enforcement Reports can be accessed at http://www.fsis.usda.gov/regulations_&_policies/Quarterly_Enforcement_Reports/index.asp.

⁹¹ 9 CFR 500.2(a)(4).

⁹² FSIS regulatory control actions are described in Section 5.

⁹³ *Federal Register*, Vol. 44, November 30, 1979, p. 68813.

⁹⁴ *Federal Register*, Vol. 58, April 26, 1994.

The USDA-FSIS has issued several notices and directives related to humane slaughter and handling during the past 15 years. They address such subjects as ritual slaughter procedures, assessing stunning effectiveness, and the treatment of non-ambulatory animals, and appear to have been published in response to reports of animal cruelty at slaughter. A brief description of these documents is presented in Table 10 below.

Table 10. FSIS Notices and Directives Related to Humane Slaughter

| <u>Date</u> | <u>Notice/Directive</u> | <u>Subject</u> |
|-------------|-------------------------|--|
| 04/29/92 | Directive 6900 | <u>Humane Handling of Disabled Livestock:</u> Gives inspection personnel procedures for ensuring humane handling of disabled livestock from the time animals enter premises until they are slaughtered. |
| 11/02/98 | Directive 6900.1 | <u>Humane Handling of Disabled Livestock:</u> This revision informs inspection personnel of new policy permitting personnel to either be outside transport vehicles or enter onto vehicles to conduct ante-mortem inspection if animals cannot be humanely removed from vehicles. |
| 10/11/01 | Notice 43-01 | <u>ISP Procedure Code for Humane Slaughter:</u> Notifies inspection personnel of ISP Code 04C02 to be used to document slaughter plant failure to comply with regulatory requirements for humane slaughter. |
| 10/07/03 | Directive 6900.2 | <u>Humane Handling and Slaughter of Livestock:</u> Explains how inspection personnel should approach verifying humane handling and slaughter procedures, including slaughter by religious/ritual methods. |
| 06/15/04 | Notice 35-04 | <u>Documentation of Humane Handling Activities:</u> Clarifies what information is to be recorded in humane-handling activities tracking (HAT), and what information is to be included on NRs. |

CRIMES WITHOUT CONSEQUENCES

- 06/15/04 Notice 36-04 Electronic Animal Disposition Reporting System (eADRS) Reader: Announces that the eADRS reader is available for use by district offices, the technical services center and headquarters. Plant inspector-in-charge will report information on the amount of time personnel spend performing activities related to verification of humane handling conditions at plants.
- 09/09/04 *Federal Register*
(Vol. 69, No. 174,
pp. 54625-54627) Humane Handling and Slaughter Requirements and the Merits of a Systematic Approach to Meet Such Requirements: States all livestock slaughter plants are required to meet requirements of Humane Methods of Slaughter Act and encourages slaughter plants to use systematic approach to humane handling and slaughter.
- 02/18/05 Notice 12-05 Documentation of Humane Handling Activities: Reissues information in Notice 35-04 to include additional information for verification activities under two categories—Stunning Effectiveness and Check for Conscious Animals.
- 07/12/05 Notice 46-05 Verification of an Establishment’s Segregation Procedures Prior to FSIS Ante-Mortem Inspection: Announces that slaughter plants may no longer employ voluntary segregation of cattle for ante-mortem inspection. This means that all cattle must be presented for examination and inspection before slaughter. (Plants may continue to group hogs and sheep for inspection.)
- 09/28/05 *Federal Register*
(Vol. 70, No. 187,
pp. 56624-56626) Treatment of Live Poultry Before Slaughter: Reminds all, poultry slaughter plants that live poultry must be handled in a manner that is consistent with good commercial practices, which means they should be treated humanely.

FEDERAL HUMANE SLAUGHTER LAW

| | | |
|----------|--------------|---|
| 01/18/06 | Notice 05-06 | <u>Re-examination of Bovine that Become Non-Ambulatory After Passing Ante-Mortem Inspection</u> : Provides inspection personnel with instructions for handling situations where a healthy bovine suffers an acute injury after passing ante-mortem inspection. (Extension and clarification of Notice 5-04, originally issued 1/12/04.) |
| 3/10/08 | Notice 16-08 | <u>Humane Handling Activities and Documentation in Livestock Slaughter Establishments</u> : Reissues content of Notice 12-05 with additional instructions regarding how to document humane handling activities. |
| 3/10/08 | Notice 17-08 | <u>Increased Verification of Humane Handling Requirements in Livestock Slaughter Establishments</u> : Instructs inspection personnel to increase time spent verifying humane handling regulatory requirements by 50 to 100 percent, depending on type of livestock, until May 6, 2008. |

5. Enforcement of Federal Law in U.S. Plants

The USDA-FSIS Rules of Practice provide that the department may take a regulatory control action because of inhumane handling or slaughter of livestock.⁹⁵ Regulatory control actions available to the agency include the issuance of NRs, reject tags, NOIEs, suspension of inspection, letters of warning and withdrawal of inspection. This section reviews FSIS use of these various actions for instances of inhumane handling and/or slaughter.

5.1 Noncompliance Records

FSIS inspection personnel present at slaughter establishments include at least one veterinarian, responsible for evaluating the general health of animals before slaughter (“ante-mortem”), and non-vet food inspectors, who have various inspection duties, in addition to other tasks. Inspectors are required to monitor slaughter practices, and are expected to notify a plant manager of observed deficiencies in compliance with food safety regulations by completing an NR. These records document noncompliances with humane handling and slaughter standards and inform the plant that it must take action to remedy the problem. The form includes a description of the inhumane handling/slaughter incident, completed by inspection personnel, the name of plant personnel notified of the violation, and a section for plant management to respond to the charge and offer a plan to prevent reoccurrence.⁹⁶

In March 2004, a Freedom of Information Act (FOIA) request was submitted to FSIS for all NRs, citing the humane handling and slaughter inspection procedure code (04C02) issued to U.S. plants between October 1, 2002 and March 31, 2004. Thirty months later, the FSIS released a total of 424 records. The U.S. GAO obtained 553 humane slaughter NRs for the period January 2001 to March 2003.⁹⁷ In addition, *The Washington Post* conducted an analysis in 2001 of 527 NRs, citing humane handling and slaughter deficiencies, written from 1996 to 1997.⁹⁸

The GAO report questioned the reliability of the information it received, noting that USDA officials wrote at least 44 additional NRs during the period that were not released.

⁹⁵ 9 CFR 500.2(a)(4).

⁹⁶ USDA-FSIS Quarterly Enforcement Report, July 7, 2006 to August 30, 2006, p. 5. (http://www.fsis.usda.gov/regulations_&_policies/Quarterly_Enforcement_Reports/index.asp) FSIS Notice 46-07, issued July 25, 2007, lists the following information to be included on NRs: 1) a description of each noncompliance in clear, concise terms, including the exact problem, time of occurrence, location, and effect on the product, if any, 2) an explanation of how establishment management was notified of the noncompliance, 3) the number of previous NRs with the same cause if there is a developing trend of noncompliance, 4) any applicable deadlines, and 5) whether a regulatory control action (tag) was applied. An earlier version of the Notice (42-07, dated July 10, 2007) required a list of previous related NR and not just the number.

⁹⁷ U.S. GAO, Humane Methods of Slaughter Act: USDA has addressed some problems but still faces enforcement challenges, GAO-04-247, January 2004.

⁹⁸ Warrick T, They die piece by piece, *The Washington Post*, April 10, 2001.

A number of NRs were found to be missing from the documents released for this study as well.⁹⁹ An appeal was filed with the FSIS for the missing documents, and in response, the agency produced eight additional NRs, bringing the total reviewed for this report to 432.¹⁰⁰

Table 11. Federal Violations by Type

October 1, 2002 to March 31, 2004

| <u>Type</u> | <u>Number</u> | <u>Percent</u> |
|---------------------------------------|---------------|----------------|
| Failure to provide water in pen | 123 | 24.5 |
| Pens or grounds in disrepair | 80 | 16.0 |
| Conscious animal on bleed rail | 77 | 15.4 |
| Ineffective stunning | 65 | 13.0 |
| Improper handling of disabled animal | 51 | 10.2 |
| Slippery surfaces/falling | 27 | 5.4 |
| Inadequate space in pen for lying | 25 | 5.0 |
| Excessive force used to drive animals | 24 | 4.8 |
| Other ^a | 20 | 4.0 |
| Failure to provide food in pens | 9 | 1.8 |
| Total | 501 | --- |

Notes

^a Includes improper identification of suspect pen, failure to meet requirements of religious slaughter.

⁹⁹ Records were not produced for some slaughter plants that received NOIES or Suspensions of Inspection during the time period. Certain NRs that were released make reference to additional NRs during the period that were missing from the documents supplied. In addition, no NR was released for arguably the worst incident of humane handling at U.S. slaughter plants during the time in question. In that incident, hot weather killed about 1,100 hogs waiting to be unloaded from trucks at the Excel plant in Beardstown, IL. The suspension of this plant for inhumane handling was reported by the online edition of *Pork Magazine* on September 2, 2003.

¹⁰⁰ The agency explained that some records were not available due to records being kept on file for only two years and because some of the slaughterhouses were no longer in business. Communication from Carol Blake, USDA-FSIS, deputy director, executive correspondence and issues management staff, February 13, 2007.

An analysis of the 432 NRs supplied by the FSIS revealed a total of 501 humane handling or humane slaughter violations at 229 plants.¹⁰¹ The types of violations cited are summarized in Table 11. Although most records documented only one violation, in some cases multiple violations were noted. Moreover, nearly 40 percent of the NRs noted multiple instances of a violation.

Water in pens

The most commonly cited humane handling and slaughter deficiency at federally inspected slaughter facilities was the failure to provide water to animals in holding areas. Federal regulations state: “Animals shall have access to water in all holding pens and, if held longer than 24 hours, access to feed.”¹⁰² Following are examples from federal NRs of failure to provide access to water:

- *Out of 22 bison and 1 beef steer, the steer and nine of the bison were without water and had no access to water. The bison had a barrel that had been cut in half for water. This barrel was covered with fecal material and slime and held a slight amount of green, slimy water.*¹⁰³
- *I noted that one of the bulls, deemed by the establishment as too large to slaughter at this facility, was lying dead in Pen 14. There were several other large bulls also in the pen. The dead bull's eyes were sunken suggesting dehydration, and upon closer inspection, the waterer supplying water to Pens 14 and 13 was found to be empty. These bulls had been held on establishment's premises since 10/03/03.*¹⁰⁴
- *One pen holding animals had no water tank, one water tank in another pen was dry, and several water tanks in other pens were frozen over so animals had no access to water.*¹⁰⁵

Pens or grounds in good repair

The second most commonly cited humane handling and slaughter deficiency was the failure to maintain facilities in good repair. Federal regulations state, “Livestock pens, driveways and ramps shall be maintained in good repair. They shall be free from sharp or protruding objects that may, in the opinion of the inspector, cause injury or pain to the animals. Loose boards, splintered or broken planking, and unnecessary openings where the head, feet, or legs of an animal may be injured shall be repaired.”¹⁰⁶ Following are examples of failure to maintain pens and other facilities in good repair:

¹⁰¹ A list of all federal plants cited for humane violations, October 1, 2002 to March 31, 2004, is presented in Appendix E.

¹⁰² 9 CFR 313.2(e).

¹⁰³ NR issued to plant #11032M on March 10, 2004.

¹⁰⁴ NR issued to plant #00532M on October 7, 2003.

¹⁰⁵ NR issued to plant #17466M on November 12, 2003.

¹⁰⁶ 9 CFR 313.1(a).

- *I observed a hog that broke its leg because of a hole in the floor of the scale used to weigh lots of hogs.¹⁰⁷*
- *While performing my duties, the following deficiencies were found: twisted wire in ante-mortem pen that could cause injury to livestock, nails more than 5 [inches] sticking out in the alley, shattered boards in the ante-mortem pen.¹⁰⁸*
- *The run up chute to the knocking box was found to be in disrepair. The metal side had jagged edges which pose a hazard to the cattle as they walked by going to the knocking box.¹⁰⁹*
- *This holding pen has the following hazards that could potentially cause injury to an animal: (1) 2 post lying on the ground of the pen with large nail spikes protruding upward, (2) 2 partial cut 55 gallon metal drums on the ground with sharp edges, (3) 2 pieces of the roofing with sharp edges on the ground, (4) a tree limb with a protruding sharp limb, (5) a partial wire hog panel on the ground with heavy wire protruding upwards, (6) wooden side panels with many protruding nails, (7) many broken boards laying on the ground with sharp points and some protruding nails.¹¹⁰*

Rendering animals insensible

The most serious deficiency, in terms of animal welfare, is the failure to render animals insensible to pain prior to slaughter. Federal regulations state: “Stunning methods approved in Sec. 313.30 shall be effectively applied to animals prior to their being shackled, hoisted, thrown, cast, or cut.”¹¹¹ Following are examples of incidents where animals were found to be conscious after having been shackled and hoisted or cut:

- *I observed a hog being dropped into the scald tank that immediately started moving. I stepped up on the ladder that was nearby to look in the scald tank and observed the hog kicking and moving wildly, as if it were trying to get out. The hog was also gasping for breath in the water.¹¹²*
- *I observed 2 hogs coming onto the kill floor which were either inadequately stunned or stuck. One hog was jerking its unshackled hind leg. The second hog jerked its hind leg when a trimmer attempted to cut the hide.... The district humane handling expert concurs that hogs kicking 7 minutes post sticking are either inadequately stunned or stuck.¹¹³*
- *I noticed a cow on the rail that was blinking its eyes and looked to be conscious, cow had not been bled yet. I notified employee hanging the cows that the animal had been improperly stunned (hole from captive bolt gun was off center). He*

¹⁰⁷ NR issued to plant #02594M on March 17, 2003.

¹⁰⁸ NR issued to plant #21885M on January 9, 2003.

¹⁰⁹ NR issued to plant #02934M on January 8, 2003.

¹¹⁰ NR issued to plant #11070M on November 5, 2003.

¹¹¹ 9 CFR 313.2(f).

¹¹² NR issued to plant #21799M on December 31, 2002.

¹¹³ NR issued to plant #00760M on November 4, 2002.

said, "I will just stick it." I told him he needed to stun the animal again first before doing that. I brushed my hand in front of the cow's face... and it was looking around and winking.¹¹⁴

- *The establishment stunned a beef that returned to sensibility after it was hung. The beef cow was bawling, attempting to right itself on the chain, the eyes were blinking rhythmically, breathing was rhythmic and was gasping for air. The establishment employee continued to stick the beef, attempting to bleed the animal. The establishment did not attempt adequate measures to rectify the situation.*¹¹⁵

Effective stunning

Federal regulations governing each approved stunning method (mechanical captive bolt, mechanical gunshot, electrical and chemical) require that the method be administered in a manner that renders the animal unconscious "with a minimum of excitement and discomfort."¹¹⁶ In the case of captive bolt use, the regulations require that the stunner be applied "so as to produce immediate unconsciousness," and in the case of gunshot, the regulations require that the firearm be employed in such a manner that produces "immediate unconsciousness in the animal by a single shot." Following are examples from federal NRs of failure to effectively stun animals on the first attempt:

- *While the District Veterinary Medical Specialist was performing a humane slaughter verification he observed that the stunner placement appeared correct and the stunner discharged but failed to render the animal unconscious. This was repeated two more times and the animal was still not completely unconscious. Before a fourth attempt he stopped the employee and notified the foreman who then stunned the animal with a firearm.*¹¹⁷
- *Carcass 362 had a knocking bolt mark in the side of the head near the ear ...; carcasses 441 and 482 had knocking marks that glanced off the front of the head and penetrated the muscles of the neck.*¹¹⁸
- *I observed [plant employee] while he electrically stunned a pig prior to sticking. Although the animal fell to the ground after the electrical current was applied, the presence of the following clinical signs was observed prior to and immediately after sticking and prior to shackling and hoisting: animal exhibited an arched back righting reflex, animal attempted to raise head, vocalization (squealing) was heard, rhythmic breathing was also noted, blinking of eyes was also noted.*¹¹⁹
- *I observed the knocking of a bull. The first captive bolt stun did not render the animal totally unconscious and the operator proceeded to use 5 more tries before obtaining the desired result of unconsciousness.*¹²⁰

¹¹⁴ NR issued to plant #04625M on October 20, 2003.

¹¹⁵ NR issued to plant #19169M on March 17, 2003.

¹¹⁶ 9 CFR 313.5(a), 313.15(a), 313.16(a), 313.30(a).

¹¹⁷ NR issued to plant #10114M on October 23, 2003.

¹¹⁸ NR issued to plant #00245CM on September 20, 2003.

¹¹⁹ NR issued to plant #09542M on November 4, 2002.

¹²⁰ NR issued to plant #02439M on March 12, 2003.

- *One employee hit the hog from the floor [with captive bolt] and it did not stun the hog, then another employee that was not trained hit it from on top of the chute with the mechanical captive bolt stunner and it did not stun the animal. The third employee was trained but the stunner miss fired two times and then it hit but the animal went to its front knees and was not completely stunned, then the employee got on the floor and hit the animal again; this time it stunned the animal.¹²¹*
- *While observing the stunning operation on a bovine steer, the method used (a 22 caliber bullet to the brain) did not effectively render the animal unconscious prior to being shackled. It took 5 more bullets to complete the stunning.¹²²*

Humane handling of disabled animals

As of January 12, 2004, U.S. slaughter plants are prohibited from slaughtering non-ambulatory disabled cattle for human consumption.¹²³ However, disabled animals other than cattle still may be slaughtered, and disabled cattle may continue to be unloaded at slaughter facilities. In addition, cattle arriving at a plant in an ambulatory state may go down while on the grounds of the establishment.¹²⁴ Federal regulations require: “Disabled animals and other animals unable to move shall be separated from normal ambulatory animals and placed in the covered pen provided for in Sec. 313.1(c).”¹²⁵ They also state: “The dragging of disabled animals and other animals unable to move, while conscious, is prohibited.”¹²⁶ Following are examples from federal NRs of failure to handle disabled/downed animals in a humane manner:

- *While walking toward the holding pens to take the temperature of a downer cow, I observed three persons forcing the downer animal to get up with a rope and one electric prod. The animal was bellowing and kicking the pen’s rods as [the animal] was forced by establishment employees but it could not get up because of an open wound in the leg.¹²⁷*
- *This morning your employee informed me of a vehicle arriving with three disabled cows in it.... I noticed there was no equipment suitable for humanely moving the disabled livestock without the animal being dragged. I then asked the driver being the only one around how he gets the animals off the truck and his reply was he pulls them with a rope. I then explained to him the humane procedure and showed him the FSIS directive 6900.1. He laughed but did not move the animals.¹²⁸*

¹²¹ NR issued to plant #02325M on November 19, 2003.

¹²² NR issued to plant #15768M on September 10, 2003.

¹²³ *Federal Register*, Vol. 69, No. 7, January 12, 2004, pp. 1862-1874. Interim rule of January 12, 2004 was affirmed with amendments in Federal Register notice of July 13, 2007 to be effective October 1, 2007. *Federal Register*, Vol. 72, No. 134, July 13, 2007, p. 38700.

¹²⁴ FSIS inspection personnel may determine on a case-by-case basis the disposition of cattle that go down after they have passed ante-mortem inspection. Moreover, non-ambulatory veal calves may be held for treatment. *Federal Register*, Vol. 72, No. 134, July 13, 2007, p. 38700.

¹²⁵ 9 CFR 313.2(d)(1).

¹²⁶ 9 CFR 313.2(d)(2).

¹²⁷ NR issued to plant #19751M on November 4, 2003.

¹²⁸ NR issued to plant #04470M on October 23, 2003.

- *I noted 3 down cows in the suspect pen and was told there were 6 down cows. I then asked where the other 3 were and was told they had been unloaded in the field the evening before.... The three disabled animals that were unloaded in the fields were not sheltered to protect them from adverse weather conditions when it rained and snowed during the time in the field and also were not provided with water or feed.¹²⁹*
- *I observed a live animal in pen 14 that was lying on its side with minimal movement. The left leg was mutilated and I could see exposed meat. There were approximately 175 swine in the pen. I observed two or three swine biting into the animal's left leg. Later [inspection personnel] went to see the animal with [supervisor] and the animal was separated from the rest of the animals and was found dead.¹³⁰*

Floors maintained to provide good footing

Federal regulations state, "Floors of livestock pens, ramps, and driveways shall be constructed and maintained so as to provide good footing for livestock."¹³¹ Following are examples from federal NRs of failure to maintain flooring that provides good footing for animals:

- *I observed five heifers in a live holding pen. When a plant employee and myself walked by the pen one of the heifers slipped on the smooth concrete surface and lost its footing and fell to the floor... and fell into two other heifers and they fell to their knees.¹³²*
- *When one of the beef [cattle] was brought into the knocking chute, it was observed slipping in the door way to the holding pen area due to ice on the floor.¹³³*
- *Two heifers in alley way leading to the slaughter unit were slipping on patch of ice, covering area of ground about 10 ft. by 12 ft.¹³⁴*

Sufficient space for lying

Federal regulations require there be "sufficient room in the holding pen for animals held overnight to lie down."¹³⁵ Insufficient space often results in the plant being simultaneously cited for lack of access to water and/or feed, due to the animals' inability to move to within reach of water/feed troughs. Following are examples from federal NRs of failure to provide adequate space:

- *In pen #9 I observed in my professional judgment overcrowding of hogs. There*

¹²⁹ NR issued to plant #04470M on October 3, 2003.

¹³⁰ NR issued to plant #06113M on December 15, 2002.

¹³¹ 9 CFR 313.1(b).

¹³² NR issued to plant #02325M on November 21, 2003.

¹³³ NR issued to plant #05633M on December 17, 2003.

¹³⁴ NR issued to plant #21744M on February 17, 2004.

¹³⁵ 9 CFR 313.2(e).

*were numerous hogs trying to rest on top of other hogs due to lack of space. I observed firsthand the extreme vocalization of hogs positioned on the bottom as other hogs tried to rest and walk on top of them.*¹³⁶

- *It was observed that there was insufficient room in several of the holding pens for the animals to lie down overnight. For instance, there were 37 head of cattle in the test pen and 34 animals in pens 17 and 18. Less than 10% of these animals had sufficient room to lie down and the rest had to remain standing.*¹³⁷
- *Four cows were down in this pen. There was not sufficient room for them to get up once they were down. Once the pen was emptied two got up immediately. The other two had considerable bruising and trauma from being down in a pen tightly packed with cattle.*¹³⁸

Humane driving of animals

Federal regulations state, “Driving of livestock from the unloading ramp to the holding pens and from the holding pens to the stunning area shall be done with a minimum of excitement and discomfort to the animals.”¹³⁹ Regulations also prohibit “excessive” use of electric prods, canvas slappers or other implements, as determined by FSIS inspection personnel.¹⁴⁰ Following are examples from federal NRs of failure to drive animals in a humane manner:

- *I observed [a] slaughter employee prodding the animal with the sharp end of a pitchfork. I immediately told him to “drop the pitchfork” which he did and he picked up a hot shot [electric prod] that he had been using, which apparently was not functioning.*¹⁴¹
- *At approximately 0815 a hog escaped from the pen onto the kill floor. A company employee picked up a metal pipe and began striking the hog on the head. The employee was instructed to stop striking the hog, which he did.*¹⁴²
- *The inspector observed the plant employee located immediately prior to the cattle entering the restrainer using the electric prod (hot shot) on every animal as they passed by her. After the inspector was aware that consecutive animals were being prodded when there was no indication of balking, a count was begun and reached 7 animals when said employee became aware that she was being observed.*¹⁴³
- *I observed hog yard foreman violently beating on the hogs in the pen with a slapper paddle. Over the 2-3 minute period I observed [him] using one arm and two arms on the slapper paddle beating the hogs. The hogs became over*

¹³⁶ NR issued to plant #00003SM on December 8, 2003.

¹³⁷ NR issued to plant #00562MM on December 16, 2003.

¹³⁸ NR issued to plant #00477M on November 16, 2002.

¹³⁹ 9 CFR 313.2(a).

¹⁴⁰ 9 CFR 313.2(b).

¹⁴¹ NR issued to plant #02439 on March 10, 2004.

¹⁴² NR issued to plant #11159M on October 15, 2003.

¹⁴³ NR issued to plant #00278M on October 7, 2003.

*crowded and were squealing loudly and climbing up on the back of the hogs ahead of them.*¹⁴⁴

Food in pens

Regulations require animals in pens to have access to feed if held longer than 24 hours.¹⁴⁵ Failure to provide food is infrequently cited, most likely due to the fact that few animals are held at slaughter facilities for extended periods of time. Following are examples from federal NRs of failure to provide access to food:

- *I noted that several bulls deemed too large for slaughter that were being held in Pen 13 awaiting shipment off the company premises did not have access to feed. A portion of these bulls had been on the premises longer than 24 hours without access to feed.*¹⁴⁶
- *I observed 4 dairy cows in a pen that had been in that pen for over 24 hours. I noticed that the animals had not been fed and I asked the manager if indeed this was the case. He admitted that these animals had not been fed.*¹⁴⁷
- *Observed 8 sheep in the holding pens. These sheep had been held at the plant in excess of 24 hours, with no indication of an accessible water supply or food. Observed an overturned rubber/plastic pan. Observed no evidence of food or water on the floor or in any area of the pen where the animals were being held.*¹⁴⁸

Half of all humane violations were caused by either personnel negligence or lack of proper maintenance or repair of facilities (Table 12). However, stunning equipment malfunction and personnel incompetence in stunning also caused a significant number of violations. These violations are seen as having more serious consequences, as they result in animals being subjected to repeated stunning attempts or being cut, scalded or skinned while conscious. Cattle were more often the victims of inhumane treatment than any other species (Table 13), although three times as many pigs as cows are slaughtered every year in the United States.¹⁴⁹ One explanation for this discrepancy is that electrical stunning, which is used with pigs, is considered to be more effective and accurate than captive bolt stunning, the method typically used to render cattle insensible.¹⁵⁰

¹⁴⁴ NR issued to plant #05537M on October 3, 2003.

¹⁴⁵ 9 CFR 313.2(e).

¹⁴⁶ NR issued to plant #00532M on March 27, 2003.

¹⁴⁷ NR issued to plant #20670M on January 22, 2003.

¹⁴⁸ NR issued to plant #02969M on December 16, 2003.

¹⁴⁹ Refer to Table 1, Livestock Slaughter by Species.

¹⁵⁰ USDA-FSIS, Human Resources Development Staff, For the welfare of livestock (interactive CD training guide), July 1998.

Table 12. Federal Violations by Cause

October 1, 2002 to March 31, 2004

| <u>Cause</u> | <u>Number</u> | <u>Percent</u> |
|-------------------------------------|---------------|----------------|
| Personnel negligence | 140 | 27.9 |
| Lack of facilities maintenance | 116 | 23.2 |
| Personnel abuse (inhumane handling) | 74 | 14.8 |
| Personnel incompetence | 69 | 13.8 |
| Stunning equipment malfunction | 59 | 11.8 |
| Other | 28 | 5.6 |
| Not specified | 15 | 3.0 |
| Total | 501 | ---- |

Table 13. Federal Violations by Species

October 1, 2002 to March 31, 2004

| <u>Species</u> | <u>Number</u> | <u>Percent</u> |
|----------------|---------------|----------------|
| Cattle/calves | 228 | 45.5 |
| Hogs/pigs | 155 | 30.9 |
| Sheep/goats | 22 | 4.4 |
| Other | 10 | 2.0 |
| Multiple | 4 | 0.8 |
| Not specified | 82 | 16.4 |
| Total | 501 | ---- |

5.2 Reject Tags

When an inspector observes an incident of inhumane handling or slaughter, he or she must inform the plant manager of the incident and request that necessary measures be taken to prevent a reoccurrence. If the cause of the inhumane treatment is the result of facility disrepair or equipment breakdown, the inspector is to attach a “U.S. Rejected” tag. No equipment, alleyway, pen or compartment so tagged is to be used until made acceptable to the inspector and the tag removed. Tagging of equipment or pens may or may not suspend slaughter operations, depending upon the circumstances. If the cause of the inhumane treatment is the result of employee actions the inspector is to attach a “U.S. Rejected” tag to the alleyways leading to the stunning area, and if the cause is the result of improper stunning, the inspector is to attach a “U.S. Rejected” tag to the stunning area. In both, of these cases, slaughter operations would be halted until the problem is resolved.¹⁵¹

Information regarding issuance of reject tags for humane handling and slaughter incidents was gathered from the federal NRs obtained through FOIA. Only approximately one-third of federal NRs noted the issuance of a reject tag; however, this does not necessarily indicate that reject tags were not issued in the remainder of the violations. Most NRs for the time period studied noted that some immediate action was taken to resolve the problem, such as informing plant management of the situation. However, in the “Plant Management Response” section of the NR, some plants complained that they had not received notification for a day or more following the noncompliance incident.

5.3 Notices of Intended Enforcement and Suspensions

A NOIE is issued to an establishment when the inspector in charge determines that the establishment has experienced multiple, recurring humane handling and slaughter noncompliances, or if the establishment has failed to implement adequate preventive measures following a previous incident. The notice informs the establishment of the nature and scope of the noncompliance and that the FSIS intends to suspend the assignment of inspectors to the plant if corrective measures are not taken. The establishment is given three business days to contest the factual basis of the notice or to demonstrate how it intends to achieve compliance.¹⁵²

Information regarding USDA issuance of NOIEs for humane slaughter and food safety violations is publicly available from FSIS Quarterly Enforcement Reports, which the agency posts on its website.¹⁵³ Over a 10-year period, from January 1998 through December 2007, the USDA-FSIS issued just 12 notices to U.S. plants for humane handling and slaughter violations (Table 14). Given such a small sample, it is difficult to determine whether issuance of an NOIE has the desired deterrent effect. In three of the 12

¹⁵¹ 9 CFR 313.50.

¹⁵² USDA-FSIS Quarterly Enforcement Report, July 1, 2006-September 30, 2006, p. 15-16. See also 9 CFR 500.5.

¹⁵³ [Http://www.fsis.usda.gov/regulations_and_policies/Quarterly_Enforcement_Reports/index.asp](http://www.fsis.usda.gov/regulations_and_policies/Quarterly_Enforcement_Reports/index.asp). See also Appendix B for a list of all plants receiving NOIEs and Suspensions for humane handling/slaughter violations from January 1998 through September 2007.

cases when NOIEs were issued for humane violations, problems continued and the plants later received a suspension of inspection.¹⁵⁴

The FSIS may temporarily suspend the assignment of inspectors to all or part of a plant's operations for violations of federal humane handling and slaughter regulations. The rules of practice state that the FSIS may impose a suspension without providing the establishment prior notification if the establishment is handling or slaughtering animals inhumanely. The suspension may be held in abeyance if corrective actions are put into effect.¹⁵⁵ In fact, suspensions are typically held in abeyance within 48 hours of the incident, although occasionally lengthy suspensions are imposed on slaughter plants.

**Table 14. Summary of Federal Plant Suspensions
January 1, 1998 to December 31, 2007**

| <u>Year</u> | <u># NOIE</u> | <u># Suspensions</u> | <u>Total Days Suspended</u> |
|--------------|---------------|----------------------|-----------------------------|
| 1998 | 0 | 7 | 23 ^a |
| 1999 | 0 | 2 | 11 |
| 2000 | 0 | 1 | 3 |
| 2001 | 0 | 4 | 17 |
| 2002 | 4 | 4 | 99 ^b |
| 2003 | 1 | 9 | 28 |
| 2004 | 2 | 7 | 30 |
| 2005 | 3 | 11 | 146 ^{c,d} |
| 2006 | 0 | 14 | 23 |
| 2007 | 2 | 12 | 66 |
| Total | 12 | 71 | 446^e |

Notes

^a Data missing for one suspension case.

^b Includes one suspension of 75 days.

^c Includes one suspension of 77 days.

^d Data missing for two suspension cases.

^e Data missing for three suspension cases.

¹⁵⁴ Gibbon Packing (Gibbon, Neb.) received NOIEs on January 30, 2004 and a suspension on March 10, 2004 for humane violations. Huse's Processing (Malone, Texas) received NOIE on October 30, 2003 and a suspension on November 25, 2003 for humane violations, Stagno's Meat (Modesto, Calif.) received NOIE on May 17, 2007 and a suspension on May 24, 2007. See Appendix C for description of violations.

¹⁵⁵ Quarterly Enforcement Report, p. 15; 9 CFR 500.3.

To determine the type of humane violations prompting issuance of NOIE and suspensions, requests were submitted for plant NRs filed in association with these enforcement actions. Documents were received and reviewed for all NOIE and approximately half of suspensions issued for humane violations from 1998 through 2006. (Appendix C offers case studies of establishments receiving enforcement actions for humane handling/slaughter during this period.) It might be expected that NOIEs are more commonly issued for humane handling violations, and suspensions used in response to the more serious humane slaughter violations. It was found that humane handling infractions were, in fact, more frequently the cause of NOIE issuance, but violations of the humane handling rules and violations of humane slaughter rules were the cause of an equal number of suspensions (Table 15).

Table 15. Federal Suspensions by Type of Violation

1998 to 2006

| | NOIE | | Suspensions | |
|------------------------------|-----------|------|-------------|------|
| | # | % | # | % |
| Humane handling | 5 | 50.0 | 16 | 27.1 |
| Humane slaughter | 2 | 20.0 | 17 | 28.8 |
| Both | 3 | 30.0 | 3 | 5.1 |
| Not known^a | 0 | 0.0 | 23 | 39.0 |
| Total | 10 | ---- | 59 | ---- |

Notes

^a Enforcement records not available at time of the writing of this report.

Table 16 shows the number and percent of suspensions for inhumane slaughter by plant size. During the time period studied large and small plants had a disproportionate percentage of the total number of suspensions, while very small plants had fewer suspensions than would be expected given the number of U.S. plants in the “very small” size category. There are several possible explanations for this finding, including that inspectors in very small plants are less likely to observe or report humane incidents or that supervisory personnel in FSIS district offices are less likely to take action against very small plants. It does not necessarily indicate that animals slaughtered in the smallest U.S. plants are more humanely treated than animals in larger plants.

Table 16. Federal Suspensions by Plant Size

| Plant size^c | Total federal plants^a | | Plant suspensions^b | |
|-------------------------------|---|------------|--------------------------------------|------------|
| | # | % | # | % |
| Very small | 599 | 65.3 | 27 | 32.5 |
| Small | 247 | 27.0 | 45 | 54.2 |
| Large | 71 | 7.7 | 11 | 13.3 |
| Total | 918* | --- | 83 | --- |

Notes

^a Source of plant numbers by size: GAO, Humane Methods of Slaughter Act, GAO-04-247, January 2004.

^b Includes NOIE.

^c The USDA defines “very small” plants as fewer than 10 employees or annual sales of less than \$2.5 million, “small” plants as 10 to 500 employees and “large” plants as those with more than 500 employees.

*FSIS did not provide size information for one plant, so the total number of plants under the three size categories does not equal 918.

The FSIS may also issue letters of warning for “minor” humane handling or slaughter violations that are not referred to U.S. Attorneys for prosecution, or when a U.S. Attorney declines to bring an action against a slaughter establishment. These letters are generally issued to close out a file on a recent violation and warn the involved individual and/or business that the FSIS may seek criminal action for continued violations.¹⁵⁶

5.4 Withdrawal of Inspection

In cases of repeated humane handling/slaughter noncompliance FSIS may file a complaint with the USDA hearing clerk to withdraw federal inspection from a plant. The plant may contest the withdrawal by requesting a hearing before an administrative law judge. The action may be resolved by FSIS and the plant entering into a consent decision that allows the plant to operate under certain specified conditions. If inspection is withdrawn a closed plant must reapply for inspection.¹⁵⁷

Of the 61 U.S. plants receiving a NOIE and/or suspension of inspection for humane infractions since 1998, 15 have been sold, have withdrawn from federal inspection

¹⁵⁶ Quarterly Enforcement Report, p. 13.

¹⁵⁷ Quarterly Enforcement Report, p. 16.

or have had inspection services withdrawn by FSIS (see Appendix B). Many of these had been cited simultaneously or separately for violations of food safety regulations other than humane handling/slaughter. It appears that enforcement actions for humane slaughter played a role in the closure of the following plants: Berry Packing (Crossett, Ark.), GP Monroe (Grayson, Ga.), Kolob Packing (Burley, Idaho), Petaluma Livestock (Newman, Calif.) and Ward's Inc (Jerseyville, Ill.). In the case of Petaluma Livestock, the plant was closed and subsequently sold after it was notified by the Alameda (California) District Office of the USDA-FSIS that the office was recommending to the FSIS Office of Field Operations that a formal complaint be issued to withdraw inspection from the establishment due to the plant's failure to adequately address humane concerns.¹⁵⁸

5.5 Analysis of federal enforcement records

Review of records obtained through FOIA resulted in the identification of several serious problems in the USDA-FSIS enforcement of federal humane handling and slaughter regulations.

Incomplete and inconsistent record keeping

The FSIS was unable to produce copies of all NRs issued for humane slaughter violations during the time period in question, as noted above. It is possible that 100 or more NRs were missing from the documents released by the USDA. There was a lack of detail on many of the records as to the type and cause of the violation(s). In addition, there was a lack of consistent reference to the use of reject tags, and a lack of consistent follow-up on corrective measures to be taken to prevent similar occurrences. Moreover, many NRs were incomplete and did not include a plant management response, which is required on the form.

Inadequate reporting of noncompliances

The FSIS produced only 432 humane slaughter NRs for an 18-month period of time. However, slaughterhouse audits suggest that millions of cattle and pigs are inadequately stunned on the first attempt, as required by federal humane slaughter regulations (see Section 9). This indicates that many violations of the regulations are either unobserved or unreported. A number of the NRs reviewed made reference to the involvement of a district veterinary medical specialist in documentation of the incident. However, these veterinarians visit each slaughter plant rarely, in some cases less than once per year.¹⁵⁹ Moreover, a number of the NRs mention that inspection personnel

¹⁵⁸ Communication from the FSIS, Alameda District, to Manuel Brazil, owner of Petaluma Livestock Auction Yard, October 28, 2005.

¹⁵⁹ In its report on humane slaughter enforcement, the GAO noted that one year after hiring of the district vets, only 63 percent of federal plants had been visited. When interviewed by the GAO, all these vets said they participated in a number of activities beyond the scope of humane handling and slaughter of animals. Nine of the 17 vets indicated they spent 40 to 50 percent of their time at non-humane activities. In March 2003, after reviewing results of a survey of its district vets, the FSIS allowed five of the vets to perform other duties, such as food safety and food security. The remaining 12 were to focus solely on implementation of the humane

were informed of the noncompliance only through hearing a commotion or loud noise, such as an animal bellowing, in a particular area of the plant, and in the absence of such a signal would not have been aware of the incident.

All this suggests that humane noncompliances occur regularly, but are not observed by inspection personnel. Animal advocates have long argued that inspectors should be permanently stationed in those areas of the plants where humane handling and slaughter violations occur. It is particularly crucial that inspection personnel be present in the stunning area to ensure that animals are properly rendered unconscious prior to shackling, hoisting, bleeding and cutting.¹⁶⁰

The FSIS estimates that its national workforce of 7,600 inspectors spent a total of only 132,405 hours, or the equivalent of 63 full-time positions, on humane handling and slaughter activities in fiscal year 2003.¹⁶¹ This equates to less than an hour for every

**Table 17. Federal Humane Slaughter vs. Food Safety Enforcement Actions
October 1, 2002 to March 31, 2004**

| <u>Action</u> | <u>All Food Inspection</u> | <u>Humane Slaughter</u> | <u>Humane % of All</u> |
|-------------------|----------------------------|-------------------------|------------------------|
| NR ^a | 197,847 ^c | 432 ^d | 0.22 |
| NOIE ^b | 447 ^c | 3 ^c | 0.67 |
| Suspension | 180 ^c | 13 ^c | 7.22 |

Notes

^a Noncompliance Record.

^b Notice of Intended Enforcement.

^c Source of data is FSIS Quarterly Enforcement Reports for time period October 1, 2002 through March 31, 2004. (http://www.fsis.usda.gov/regulations_&_policies/Quarterly_Enforcement_Reports/index.asp)

^d Source of data is NRs released by FSIS in response to FOIA request for all NR citing humane handling/ slaughter violations for time period October 1, 2002 through March 31, 2004. It is likely that the actual number of NR written for humane slaughter during this period was significantly higher than the number of records released.

slaughter law. U.S. GAO, Humane Methods of Slaughter Act: USDA has addressed some problems but still faces enforcement challenges, GAO-04-247, January 2004, p. 15.

¹⁶⁰ In 2001, HFA, joined by AWI and other animal advocacy groups and the National Joint Council of Food Inspection Locals, filed a rulemaking petition seeking that the USDA station inspection personnel, on a full-time basis, at critical points in the handling and slaughter process, including in unloading/handling areas and stunning/bleeding areas. The USDA failed to propose regulations suggested by the petition. See information about the petition on the HFA website at <http://www.hfa.org>.

¹⁶¹ GAO report, p. 27.

1,000 animals slaughtered that year, or less than an hour per shift per federal slaughterhouse.¹⁶² The FSIS has implemented a Humane Activities Tracking system to monitor the amount of time spent by FSIS inspection personnel on overseeing humane handling and slaughter. However, inadequate monitoring of humane practices is only one weakness of the current enforcement system. Of equal concern is the lack of action taken on observed violations.

Failure to take appropriate action

There were many instances where FSIS failure to take proper enforcement action, by issuance of a Suspension of Inspection, resulted in reoccurrence of the noncompliance and additional—and unnecessary—animal suffering. Following are some examples:

- On November 4, 2002, inspection personnel at plant #19546 observed still-conscious animals being cut at 0750, 0853, 0948, 1057, 1117, 1127, 1138, 1142, 1333, 1334 and 1355 hours. The inspector citing the noncompliance noted that previous stunning deficiencies had been noted at the plant on at least four other occasions. On November 6, 2002, inspectors again observed conscious animals being butchered at 0745, 0750, 0844, 0847, and 1106 hours. On December 4, 2002, inspectors noted that animals were improperly stunned before bleeding at 0730, 0825, and 1003 hours.
- On December 30, 2002, inspection personnel at plant #21799 saw two hogs struggling and kicking in the scald tank. On December 31, 2002, inspectors again observed conscious hogs in the scald tank.
- On March 17, 2003, inspection personnel at plant #2594 observed a hog who broke his leg because of a hole in the floor of a weight scale. On March 21, 2003, inspectors observed another hog with a badly cut leg due to loose boards at the base of the damaged scale.
- On May 10, 2003, inspection personnel at plant #717 observed that some hogs appeared to be conscious after being stunned. On May 12, 2003, inspectors observed conscious hogs thrashing in the scalding tank.
- On October 3, 2003, inspection personnel at plant #4470 issued an NR to plant for unloading three disabled animals in a field and not protecting them from adverse weather conditions and not providing them with water and feed. On October 23, 2003, a plant was cited for unloading disabled animals in an inhumane manner.

Inconsistent actions by District Offices

Among the most significant findings of this study is the inconsistency in humane slaughter enforcement by FSIS district offices. Table 18 shows the number of NRs and suspensions by district. While the humaneness of animal handling and slaughter may vary somewhat by district, it is unlikely that this alone can explain the observed differences in

¹⁶² Full coverage of humane monitoring at all federal “large” slaughter plants and minimal to moderate coverage at all small and very small plants would require 400,000 to 500,000 inspector hours per year.

enforcement rates. District 5 (Alameda, Calif.), with only 32 slaughter plants, issued 15 suspensions from January 1998 through December 2007, while District 60 (Philadelphia, Penn.), with 139 plants, issued just four during the same period. In some cases, district offices issued suspensions to plants for failure to provide water to animals in pens, while in other instances districts failed to take action for repeated instances of ineffective stunning and/or conscious animals on the bleed rail.

- Tyson Fresh Meat plant in Geneseo, Ill. received 10 NRs between December 2002 and December 2003 without issuance of a suspension.
- Nebraska Beef plant in Omaha, Neb. received 12 NRs in a six-month period (between December 2004 and May 2005) without issuance of a suspension.
- Shapiro Packing plant in Augusta, Ga. received seven NRs between October 2002 and August 2003 without issuance of a suspension.

The GAO voiced a similar criticism in its 2004 report on federal humane slaughter enforcement:

Our analysis of the 553 noncompliance records indicated that the severity and repetitiveness of the violations does not necessarily result in consistent enforcement actions by district managers. For example, in one case, inspectors had prepared 16 noncompliance records, all related to the ineffective stunning of animals. However, the district manager did not take enforcement action because, as he explained, the 16 incidents were not triggered by the same factor; if they had been, he said he would have suspended the plant. This contrasts with the opinion of another district manager who, commenting on this same situation, said that a case of so many related and relatively serious incidents is a definite candidate for a suspension.¹⁶³

The GAO recommended that the FSIS “establish additional clear, specific, and consistent criteria for district offices to use when considering whether to take enforcement actions because of repetitive violations.” Without such criteria, the GAO noted, “enforcement decisions are likely to be inconsistent across FSIS districts, undermining FSIS’ efforts to effectively enforce the act.”¹⁶⁴

¹⁶³ U.S. GAO, Humane Methods of Slaughter Act: USDA has addressed some problems but still faces enforcement challenges, GAO-04-247, January 2004, p. 25.

¹⁶⁴ Ibid.

Table 18. Federal NRs and Suspensions by District

| <u>District</u> | <u>States</u> | <u>Plants</u> ^a | <u>NRs</u> | | <u>Suspend</u> | |
|-------------------|---|----------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| | | | <u>#</u> ^b | <u>%</u> ^c | <u>#</u> ^d | <u>%</u> ^e |
| 5 (Alameda) | CA | 32 | 19 | 4.9 | 15 | 18.1 |
| 15 (Denver) | AZ, CO, NM, NV, UT, AK, AS, GU, HI, ID, OR, WA | 102 | 40 | 10.3 | 9 | 10.8 |
| 20 (Minneapolis) | MN, MT, ND, SD, WY | 65 | 30 | 7.8 | 3 | 3.6 |
| 25 (Des Moines) | IA, NE | 59 | 40 | 10.3 | 3 | 3.6 |
| 30 (Lawrence) | KS, MO | 69 | 34 | 8.8 | 1 | 1.2 |
| 35 (Springdale) | AR, LA, OK | 28 | 13 | 3.4 | 4 | 4.8 |
| 40 (Dallas) | TX | 48 | 16 | 4.1 | 12 | 14.5 |
| 45 (Madison) | MI, WI | 47 | 28 | 7.2 | 11 | 13.3 |
| 50 (Chicago) | IL, IN, OH | 59 | 50 | 12.9 | 4 | 4.8 |
| 60 (Philadelphia) | PA, NJ | 139 | 29 | 7.5 | 4 | 4.8 |
| 65 (Albany) | CT, ME, MA, NH, NY, RI, VT | 75 | 26 | 6.7 | 4 | 4.8 |
| 75 (Beltsville) | DE, D.C., MD, VA, WV | 41 | 12 | 3.1 | 1 | 1.2 |
| 80 (Raleigh) | NC, SC, KY | 54 | 27 | 7.0 | 7 | 8.4 |
| 85 (Atlanta) | FL, GA, PR, VI | 62 | 15 | 3.9 | 3 | 3.6 |
| 90 (Jackson) | AL, MS, TN | 38 | 8 | 2.1 | 2 | 2.4 |
| Total | | 918 | 387 | --- | 83 | --- |

Notes

^a Source of plant numbers by district: GAO, Humane Methods of Slaughter Act, GAO-04-247, January 2004, p. 11.

^b Number of humane handling and slaughter NRs issued October 1, 2002 through March 31, 2004, minus records for plants now out of business or withdrawn from federal inspection.

^c Percent of all humane handling and slaughter NRs issued October 1, 2002 through March 31, 2004, minus records for plants out of business or withdrawn from federal inspection.

^d Number of suspensions and NOIEs (threatened suspensions) for humane handling and slaughter issued January 1, 1998 through December 31, 2007.

^e Percent of all suspensions for humane handling/slaughter issued January 1, 1998 through December 31, 2007.

6. Enforcement of Federal Law in Foreign Plants

Foreign countries desiring to export meat products to the United States must demonstrate that their meat inspection systems are “equivalent” to the U.S. domestic inspection system.¹⁶⁵ Meat products exported from other countries must meet all the standards of the U.S. Federal Meat Inspection Act and its regulations, including that the animals be humanely handled and slaughtered.

The USDA-FSIS Office of International Affairs evaluates foreign food regulatory systems through document reviews, on-site audits and port-of-entry re-inspection of products.¹⁶⁶ The equivalency determination process, which typically takes three years to complete, is initiated when the foreign food inspection service completes a set of five questionnaires dealing with slaughtering and processing, sanitation, residue control, animal disease and enforcement. Of the more than 200 questions—many of them multi-part questions—currently contained in the FSIS foreign country questionnaires, none address the issues of humane handling and humane slaughter.¹⁶⁷

After a country is judged to have an inspection system equivalent to the United States, a proposed rule is published in the *Federal Register* and any comments submitted in response to the posting are to be considered prior to the issuance of a final rule designating the country as eligible to export to the United States. The USDA-FSIS does not conduct food inspection in foreign countries but instead relies on the foreign food inspection service to carry out daily inspections of approved facilities. Foreign establishments desiring to export to the United States must apply to their national inspection authority, which certifies to FSIS a list of all establishments meeting U.S. import requirements.¹⁶⁸

As of February 2008, the following countries were eligible to export meat products to the United States: Argentina, Australia, Belgium, Brazil, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Finland, France, Germany, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Mexico, Netherlands, New Zealand, Nicaragua, Northern Ireland, Poland, Romania, San Marino, Spain, Sweden, the United Kingdom and Uruguay. At that time, the number of certified slaughter establishments per country ranged from none to more than 300. Australia and Canada had the largest number of certified establishments.¹⁶⁹

¹⁶⁵ For a discussion of “equivalence,” see USDA-FSIS, Office of International Affairs, Process for evaluating the equivalence of foreign meat and poultry food regulatory systems, Oct 2003. (<http://www.fsis.usda.gov/OPPDE/IPS/EQ/EQProcess.pdf>)

¹⁶⁶ USDA-FSIS, Office of International Affairs, Equivalence process. (http://www.fsis.usda.gov/regulations_&_policies/equivalence_process/index.asp)

¹⁶⁷ See USDA-FSIS, Office of International Affairs, Example of equivalence audit cover letter and questionnaire. (http://www.fsis.usda.gov/oa/Congress/Import_Equivalence/Appendix_2.pdf)

¹⁶⁸ USDA-FSIS, Office of International Affairs, Process for evaluating the equivalence of foreign meat and poultry food regulatory systems, October 2003. (<http://www.fsis.usda.gov/OPPDE/IPS/EQ/EQProcess.pdf>)

¹⁶⁹ As of February 2008, China and Israel were certified for poultry, but not meat export; only Canada and the Netherlands were certified for egg export. At that time, Honduras had no certified meat establishments, but was

The USDA-FSIS can reject establishments proposed for certification and can also delist currently certified establishments based on deficiencies discovered during document review, on-site audits and port-of-entry inspection. Decisions to delist plants are usually made by the foreign country inspection officials, but the FSIS takes the initiative to delist if the country officials fail to do so.¹⁷⁰ Delisting of foreign plants is a common occurrence. For example, of 30 slaughter and processing plants certified by France's food inspection agency since 2002, all but one has been delisted at some point.¹⁷¹

Daily inspection of USDA-FSIS foreign-certified establishments is performed by the relevant foreign inspection officials. The USDA also requires periodic supervisory visits by a representative of the foreign inspection service.¹⁷² The FSIS itself conducts annual audits of all countries eligible to export meat products to the United States, and also performs additional enforcement audits of countries demonstrating deficiencies during annual audits. Audits include a review of documents and on-site visits to a random sample of slaughter and processing establishments, the latter being performed by FSIS technical experts, accompanied by the foreign country inspection officials. According to the FSIS, on-site audits, which are scheduled in advance, review daily inspection procedures in establishments, including the humane handling and slaughter of animals.¹⁷³

FSIS personnel typically note numerous deficiencies in food safety and enforcement procedures during audits. For example, for 21 slaughter and processing plants included in a 2004 audit of Mexico's inspection system, a multitude of enforcement actions were taken: three certified plants were delisted, one proposed plant was rejected, three plants received a Notice of Intent to Delist, three plants were cited for product contamination, 12 plants were cited for inadequate HACCP¹⁷⁴ implementation, 10 plants were cited for inadequate SSOP¹⁷⁵ implementation, and 19 of the 21 plants were cited for inadequate government enforcement.¹⁷⁶

Reports of foreign country audits are available on the website of the FSIS Office of International Affairs. Although the reports of foreign country audits state that observations were made for humane handling and humane slaughter, very few audits cited deficiencies in these areas. A review of 120 reports from 2004 through 2007 yielded only seven references to deficiencies in humane handling and/or humane

approved for meat export. See USDA-FSIS, Office of International Affairs, Eligible foreign establishments. (http://www.fsis.usda.gov/regulations_&_policies/Eligible_Foreign_Establishments/index.asp)

¹⁷⁰ Personal communication from Karen Stuck, assistant administrator, Office of International Affairs, November 22, 2006.

¹⁷¹ See USDA-FSIS, Office of International Affairs, Eligible foreign establishments. (http://www.fsis.usda.gov/regulations_&_policies/Eligible_Foreign_Establishments/index.asp)

¹⁷² On August 3, 2006, the USDA-FSIS published a final rule changing the frequency of supervisory visits from monthly to "periodic." See *Federal Register*, Vol. 71, No. 149, p. 43958.

¹⁷³ Communication from Karen Stuck. See also USDA-FSIS, Office of International Affairs, Foreign audit reports. (http://www.fsis.usda.gov/regulations_&_policies/Foreign_Audit_Reports/index.asp)

¹⁷⁴ Hazard Analysis Critical Control Points.

¹⁷⁵ Sanitation Standard Operating Procedures.

¹⁷⁶ USDA-FSIS, Office of International Affairs, Draft final report of an audit carried out in Mexico covering Mexico's meat and processed poultry inspection system, April 20 to May 4, 2004. (<http://www.fsis.usda.gov/OPPDE/FAR/Mexico/Mexico2004.pdf>)

slaughter conditions and procedures. Three of the deficiencies were cited in the body of the 2004-2005 audits and four were noted as having occurred during previous audits conducted in the years 2000 through 2003. No humane deficiencies whatsoever were noted in 33 foreign country audits conducted in 2006 and 2007.

Following are the foreign country humane handling and slaughter deficiencies cited by the FSIS in its 2004-2005 audit reports (some deficiencies occurred in previous years, as noted in the paragraph above):

- Brazil—At one establishment, no water was provided to animals held in the suspect pen (August 2003 audit).¹⁷⁷
- Costa Rica—In the animal holding pen at one establishment, a one-foot high cement barrier was identified as a potential trip hazard for animals (June 2004 audit); no water was provided to animals in holding pens at two establishments (September 2003 audit).¹⁷⁸
- Honduras—In one of two establishments, the holding pen for cattle had numerous bolts protruding from the wall into the pen, presenting a potential safety hazard to animals (October 2005 audit).¹⁷⁹
- Mexico—For two of three cattle observed, more than one application of the captive bolt device was required to render the animals insensible (November 2004 audit).¹⁸⁰
- Poland—In one establishment, hogs were not properly stunned prior to being shackled, hoisted, thrown or cut (November to December 2003 audit).¹⁸¹
- Slovakia—In one establishment, hogs were not properly stunned prior to being shackled, hoisted, thrown or cut (June 2000 audit).¹⁸²

The small number of cited deficiencies of humane standards compared with the far larger number cited for food safety suggests that either foreign certified establishments are much better at animal welfare than they are at food safety, or that the FSIS makes little effort to observe and/or cite humane conditions and procedures. When the FSIS Office of International Affairs was questioned regarding the small number of deficiencies cited

¹⁷⁷ USDA-FSIS, Office of International Affairs, Final report of an audit carried out in Brazil covering Brazil's meat inspection system, August 26 to September 28, 2004. (<http://www.fsis.usda.gov/OPPDE/FAR/Brazil/Brazil2004.pdf>)

¹⁷⁸ Costa Rica also cited for one establishment found to be slaughtering non-ambulatory disabled cattle. USDA-FSIS, Office of International Affairs, Final report of an enforcement audit covering Costa Rica's meat inspection system, June 8 to June 17, 2004. (<http://www.fsis.usda.gov/OPPDE/FAR/CostaRica/CostaRica2004.pdf>)

¹⁷⁹ USDA-FSIS, Office of International Affairs, Final report of an audit carried out in Honduras covering Honduras' meat inspection system, October 18 to October 28, 2005. (<http://www.fsis.usda.gov/OPPDE/FAR/Honduras/HondurasOct2005.pdf>)

¹⁸⁰ USDA-FSIS, Office of International Affairs, Final report of an audit carried out in Mexico covering Mexico's meat inspection system, November 3 to November 18, 2004. (<http://www.fsis.usda.gov/OPPDE/FAR/Mexico/MexicoNov04.pdf>)

¹⁸¹ USDA-FSIS, Office of International Affairs, Final report of an enforcement audit covering Poland's meat inspection system, July 14 to August 6, 2004. (<http://www.fsis.usda.gov/OPPDE/FAR/Poland/Poland2004.pdf>)

¹⁸² USDA-FSIS, Office of International Affairs, Final report of an audit carried out in Slovakia covering Slovakia's meat inspection system, October 19 to October 25, 2005. (<http://www.fsis.usda.gov/OPPDE/FAR/Slovakia/SlovakiaOct2005.pdf>)

in humane handling and slaughter, it responded that this finding “indicates a high level of compliance in foreign plants.”¹⁸³ However, it seems unlikely that foreign plants found to be grossly lacking in terms of food safety would be competent in the area of humane handling. The fact that FSIS does not even question foreign countries about humane standards during the eligibility determination process reinforces the perception that animal welfare is, in fact, a low priority for the agency.

¹⁸³ Personal communication from Karen Stuck.

7. State Humane Slaughter Laws

Thirty states have passed humane slaughter laws (see Table 19 below). Most of these were enacted by state legislatures in the decade following passage of the original Federal Humane Methods of Slaughter Act. All are based on the language of the federal law and many specifically reference that law. With the exception of New Hampshire's law, all state humane slaughter statutes address the slaughter process itself and do not cover handling of animals prior to slaughter.¹⁸⁴ The state of Wisconsin has promulgated regulations regarding the ante-mortem handling of animals, including techniques for moving non-ambulatory animals.¹⁸⁵ In addition, California has regulations relating to the humane handling and slaughter of poultry.¹⁸⁶

Table 19. State Humane Slaughter Laws

| <u>State</u> | <u>Section No.</u> |
|---------------|---------------------------------------|
| Arizona | 3-2016—3-2017 |
| California | 19501—19503 Food and Agriculture Code |
| Colorado | 35-33-103, 35-33-203 |
| Connecticut | 22-272a |
| Florida | 828.22—828.26 |
| Georgia | 26-2-102, 26-2-110.1 |
| Hawaii | 159-21 |
| Idaho | 37-1903 |
| Illinois | 510 ILCS 75/ |
| Indiana | 15-2.1-2-21.4, 15-2.1-24 |
| Iowa | 189A.18 |
| Kansas | 47-1401—47-1405 |
| Maine | 2521 |
| Maryland | 4-123.1 |
| Massachusetts | 94-139C—94-139F |
| Michigan | 287.551—287.556 |

¹⁸⁴ New Hampshire statute includes the following provisions: “No person may handle livestock in connection with slaughter, or drive or transport them to holding pens or to place of slaughter except with a minimum of excitement and discomfort. Holding pens and transportation vehicles must be free from hazards which could cause suffering or pain.” (Section 427:34)

¹⁸⁵ Wisconsin Administrative Code, ATCP 55.07.

¹⁸⁶ California Code of Regulations, Article 15.1 Humane Slaughter of Poultry.

| | |
|----------------|---------------------|
| Minnesota | 31.59 |
| New Hampshire | 427:33—427:34 |
| North Carolina | 106-549.17 |
| Ohio | 945.01—945.03 |
| Oklahoma | 2-6-183, 2-6-195 |
| Oregon | 603.065 |
| Pennsylvania | 2303, 2362 |
| Rhode Island | 4-17-1—4-17-7 |
| South Dakota | 39-5-23.1—39-5-23.2 |
| Utah | 4-32.3, 4-32.6 |
| Vermont | 3131—3134 |
| Washington | 16.50.100—16.50.170 |
| West Virginia | 19-2E.5 |
| Wisconsin | 95.80 |

At one time, it was felt that states needed to pass humane slaughter legislation in order to cover animals slaughtered at non-federal plants. However, all states conducting their own meat inspection programs have adopted by reference the federal food safety regulations, including those related to humane handling and slaughter.¹⁸⁷ Therefore, the humane slaughter provisions of the federal law cover all animals slaughtered under the authority of state food inspection laws.

State-level humane slaughter laws are not completely irrelevant, however. State laws can afford protection to animals at slaughter, in several ways, by: 1) covering additional species, 2) prohibiting additional methods of slaughter, 3) limiting exemptions, 4) applying the law to additional types of slaughter, and 5) assessing additional penalties.

7.1 Species covered

Nearly half of the 30 states with humane slaughter laws cover species in addition to those covered under the federal law (refer to Table 20). Ungulates are the most commonly added species. Six states cover ratites, and five cover bison. The laws of three states—California, Indiana and Utah—include poultry; however, only California has enacted regulations to implement the humane slaughter of birds.¹⁸⁸ Maine’s state veterinarian has indicated that Maine requires humane slaughter for poultry.¹⁸⁹

¹⁸⁷ Personal communication with Pam Osgasawara, deputy director, USDA-FSIS, federal, state and local government relations staff. See also FSIS review of state program: summary report, January 2007.

¹⁸⁸ California Code of Regulations, Article 15.1 Humane Slaughter of Poultry.

¹⁸⁹ Although Maine’s humane slaughter law refers only to “livestock,” and livestock is defined separately from

Unlike the federal humane slaughter law, some state laws specifically exempt poultry.¹⁹⁰ Some state laws have been written to limit coverage to listed species only. For example, Oregon’s law is limited to “cattle, equines, sheep or swine,”¹⁹¹ and Washington’s lists only “cattle, calves, sheep, swine, horses, mules and goat.”¹⁹² On the other hand, some include coverage for other animal species that may be slaughtered for meat. For example, Maryland’s humane slaughter statute defines livestock as “cattle, calves, sheep, swine, horses, mules, goats, or other animals that may be used in the preparation of a meat product.”¹⁹³ New Hampshire includes “other species of animals susceptible of use in the production of meat and meat products.”¹⁹⁴

Table 20. Additional Animals Covered Under State Laws

| <u>Species</u> | <u>States</u> |
|---------------------|--|
| Aquatic Animals | Kansas |
| Rabbits | Georgia, Maine |
| Poultry | California, Indiana, Utah |
| Ratites | Florida, Georgia, Indiana, Kansas, New Hampshire, South Dakota |
| Bison, Buffalo | Georgia, New Hampshire, North Carolina, Oklahoma, Vermont |
| Llama, Alpaca, Yak | New Hampshire |
| Deer, Elk, Reindeer | California (fallow deer), Georgia (non-traditional livestock, farm-raised deer), Indiana (farm-raised deer), Iowa (farm-raised deer), Kansas (domesticated deer), Maine (domestic deer), New Hampshire (elk, fallow deer, red deer, reindeer), North Carolina (fallow deer, red deer), South Dakota (captive cervidae), Utah (domestic elk), Vermont (fallow deer), Wisconsin (farm-raised deer) |

poultry in the statute, in the opinion of the state vet, “the absence of a description of acceptable slaughter methods for poultry does not exclude poultry from humane slaughter.” Personal electronic communication from Henrietta Beaufait, DVM, state veterinarian.

¹⁹⁰ For example, the definition of “livestock” under Florida’s law (828.23) specifically excludes poultry and aquatic species. Maryland’s law (4-123.1) states “‘Livestock’ does not include poultry or other fowl.”

¹⁹¹ Section 603.065(1).

¹⁹² Section 16.50.110(4).

¹⁹³ Section 4-123.1(a)(3)(i).

¹⁹⁴ Section 427:33(2). Rhode Island, Vermont and Wisconsin include similar definitions of livestock in their laws.

7.2 Methods allowed

Neither the Humane Methods of Slaughter Act, nor the regulations under the law, specifically prohibits the use of a sledgehammer or ax to stun an animal for slaughter. As a result, when animal advocates worked with state legislators during the 1960s and 1970s to pass statewide prohibitions on inhumane slaughter methods, use of these implements was often included.¹⁹⁵ Connecticut law, for example, provides that “Use of a manually-operated sledge, hammer or poleax to render an animal insensible to pain is prohibited.” However, although federal law does not prohibit use of a hammer or ax, the USDA-FSIS does not consider these to be acceptable mechanical means of stunning.¹⁹⁶

7.3 Exemptions

The Federal Humane Methods of Slaughter Act identifies slaughtering in accordance with ritual requirements of the Jewish or other religious faith as humane. Moreover, the law spells out that not only slaughter, but “the handling or other preparation of livestock for ritual slaughter are exempted” from the Act.¹⁹⁷ All states with humane slaughter laws have included a similar exemption for religious slaughter. However, while the federal law includes language that covers handling, state laws typically refer to slaughter only.

A few states have attempted to encourage, if not require, the use of holding pens for religious slaughter in order to avoid shackling and hoisting of conscious animals. Connecticut was the first state to require use of holding pens that allow animals not previously stunned to be cut while upright. However, a general exception to the law for religious slaughter makes use of the pens voluntary under Connecticut’s law.¹⁹⁸

Section 22-272a. Approved methods of slaughter

(b)(2) restraint of the animal by means of a pen approved by the commissioner which firmly encloses the animal and, with a minimum of excitement and discomfort, places the animal in such a position that a cutting stroke may be administered quickly and efficiently; (3) restraint of the animal by means of a body harness approved by the commissioner which lifts, supports and cradles the animal and, with a minimum of excitement and discomfort, places it in such a position that a cutting stroke may be administered quickly and efficiently, and (4) restraint of the animal by any other means approved by the commissioner which causes the animal no unreasonable or unnecessary pain and which, with a minimum of excitement and discomfort, places the animal in such a position that a cutting stroke may be administered quickly and efficiently.

¹⁹⁵ Use of a hammer or ax to stun an animal is prohibited under the laws of Colorado, Connecticut, Illinois, Indiana, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Pennsylvania, Rhode Island, Vermont and Washington.

¹⁹⁶ USDA-FSIS, Human Resources Development Staff, For the welfare of livestock (interactive CD training guide), July 1998.

¹⁹⁷ 7 U.S.C. Section 1906.

¹⁹⁸ Section 22-272(e).

Indiana¹⁹⁹ and Michigan²⁰⁰ require that animals killed in accordance with requirements of a religious faith be cut “immediately following total suspension from the floor.” New Hampshire²⁰¹ and Pennsylvania²⁰² limit their exemption for religious slaughter until such a time when acceptable alternatives are available. The language of the Pennsylvania ritual slaughter exemption follows:

Section 2362(b) Ritual slaughter

Subsection (a) [requiring humane methods] shall not apply to the operator of a commercial establishment with respect to the positioning and ritual slaughter of cows, poultry and sheep until one year after the department finds and notifies the operator that there is available at reasonable cost a ritually acceptable, practicable and humane method of handling or otherwise preparing conscious calves, poultry and sheep for slaughter.

7.4 Application

While the federal humane slaughter law covers only slaughter and slaughter and processing establishments, several states apply their humane slaughter codes to stockyard operations.²⁰³ However, this application has little practical effect, as animals are not typically slaughtered for food at stockyards.

Farmers killing animals for their personal use also are not covered under federal law. In addition, although custom slaughterers are expected to comply with federal food safety regulations, they are not routinely inspected for compliance. For the most part, state laws do not provide much additional protection for animals killed for custom or personal use. Exceptions include Oregon, Utah and Washington, which provide humane slaughter coverage for custom slaughter; all three states also cover farm (mobile) custom slaughter operations, which are not expected to comply with federal slaughter regulations.²⁰⁴

A number of states specifically exempt custom and/or personal slaughter from coverage under their general food inspection code, their humane slaughter code, or both. For example, Pennsylvania’s humane slaughter statute does not apply to “a farmer or other person slaughtering domestic animals owned by the farmer or person.”²⁰⁵ Arizona law states, “No person slaughtering or butchering any livestock for his own use shall be subject to any of the provisions of this article.”²⁰⁶ Maryland’s humane slaughter statute does not apply to “a farmer while slaughtering livestock of the farmer.”²⁰⁷

¹⁹⁹ Section 15-2.1-24-13(c).

²⁰⁰ Section 287.554

²⁰¹ Section 427:33(3)(b).

²⁰² Section 2362(b).

²⁰³ States covering the slaughter of animals at stockyards include Arizona, Connecticut, Kansas, Maryland, Massachusetts, Michigan, Pennsylvania, Rhode Island and Vermont.

²⁰⁴ Under Washington law (Section 16.50.110), “‘Slaughterer’ means any person engaged in the commercial or custom slaughtering of livestock, including custom farm slaughterers.” Utah law includes humane slaughter under “Duties of person who holds a farm custom slaughter permit” (Section 4-32-6).

²⁰⁵ Section 2362(c).

²⁰⁶ Section 3-2017B.

²⁰⁷ Section 4-123.1(c)(2).

7.5 Penalties

Generally, penalties for violation of state humane slaughter laws are minor. For example, Washington's law assesses the following penalty: "Any person violating any provision of this chapter or of any rule adopted hereunder is guilty of a misdemeanor and subject to a fine of not more than two hundred fifty dollars or confinement in the county jail for not more than ninety days." Several states also allow for the filing of injunctions or the suspension of state inspection procedures of slaughter operations found to be in violation of the state humane slaughter code.²⁰⁸ Florida law stipulates that the state Humane Slaughter Act does not preclude enforcement of the state animal cruelty code.²⁰⁹

Because the vast majority of farm animals in the United States are killed at federal plants, state laws cannot be considered an effective means of addressing the issue of humane slaughter. Deficiencies in federal law must be remedied through amendments to the Humane Methods of Slaughter Act and its regulations. However, state laws can require humane coverage to animals not under federal jurisdiction, such as those killed at custom establishments or on the farm by the farm owner or operator or by a mobile custom slaughterer.

²⁰⁸ Washington law (Section 16.50.160), states: "The director may bring an action to enjoin the violation or threatened violation of any provision of this chapter or any rule adopted pursuant to this chapter in the superior court in the county in which such violation occurs or is about to occur, notwithstanding the existence of the other remedies of law." West Virginia's law (Section 19-2E-6) provides that any person violating the humane slaughter code "shall have the license to do business as a slaughtering establishment, under article two-b, chapter nineteen of the code of West Virginia, suspended until the facility is in compliance with the provisions of this article."

²⁰⁹ Section 828.24(3).

8. Enforcement of State Laws

Animals killed for meat in the U.S. are slaughtered at more than 2,000 non-federal plants. These plants are inspected for compliance with food safety regulations, including those pertaining to humane handling and slaughter, by state and/or federal agricultural inspectors (see Section 2.5 for discussion of plant inspection authority). Although a vast majority of animals slaughtered for food in the United States are killed at federal plants, the treatment of animals at non-federal plants should be addressed in any review of U.S. humane slaughter practices.

8.1 Analysis of State Enforcement Records

To evaluate the level of humane law enforcement at non-federal slaughter plants, public records requests were submitted to the 30 U.S. states operating meat inspection programs. The following documents were requested: 1) all records relating to enforcement actions for violations of humane handling and slaughter regulations and 2) all communications, including notices, directives and memos, relating to humane handling and slaughter. The requests were for all relevant documents generated during a 3-year time period, from January 1, 2002 through December 31, 2004.

All states responded to the document request within two months. However, relatively few documents were provided, as illustrated in Table 21 (enforcement actions) and Table 22 (communications). Of 30 states, only 11 had records of any enforcement actions for humane slaughter during the 3-year time period, and just five had produced or distributed any communications relating to humane slaughter, other than notices or directives issued by the USDA-FSIS. 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.

The state of Texas supplied the largest number of enforcement records. Of the 91 enforcement records provided by all states, only 60 were for state-inspected plants, and of those, one-half (30) were from Texas. Ohio produced 10 records. Some or all of the records provided by North Carolina and Virginia were for federal plants, which these states inspect under authority of the Talmadge-Aiken Act (see Section 2.5). Several other Talmadge-Aiken states—Alabama, Georgia, Illinois, Mississippi and Utah—provided no documents related to humane slaughter. Two states—Indiana and Georgia—responded that they possessed documents responsive to the request but were unable to readily provide them as their records were not filed by type of violation, requiring that all files for the 3-year period be manually searched for those relating to humane slaughter.²¹⁰

²¹⁰ Dr. Lee Myers, Georgia state veterinarian, originally indicated that NRs were kept at the Georgia Dept. of Agriculture, and would be searched manually. He also indicated that the department does not normally conduct this type of search, but that an individual could come to the department to conduct a search of the files. The Georgia Department of Agriculture open records coordinator later responded that enforcement records were not available at the department, but were kept at the individual slaughterhouses, and the state would assess a minimum fee of \$200 to initiate a search to determine whether documents existed.

Table 21. State Enforcement Actions Related to Humane Slaughter

2002 to 2004

| <u>State</u> | <u>Enforcement Actions</u> |
|-------------------------|--|
| Alabama | No reports provided |
| Arizona | No reports provided |
| California ^a | Two NRs provided (in one case, notice of violation issued; in other case, inspection was suspended until issue resolved) |
| Colorado ^a | No reports provided |
| Delaware | No state inspected meat plants at this time |
| Georgia | No reports provided |
| Illinois | No reports provided |
| Indiana | No reports provided ^b |
| Iowa | No reports provided |
| Kansas | Two letters of warning provided |
| Louisiana | No reports provided |
| Maine | No reports provided |
| Minnesota | Two NRs provided (in one case, inspection was suspended and establishment was levied fine of \$500, which was stayed; in the other case, the owner of the establishment pled guilty to inhumane slaughter, was fined \$1,000, and was required to complete a course on humane slaughter) |
| Mississippi | No reports provided |
| Missouri | No reports provided |
| Montana | No reports provided |
| New Mexico | No reports provided |
| North Carolina | 34 NRs provided ^c |
| North Dakota | One NR provided |
| Ohio | 10 NRs provided (in one case, inspection was withdrawn and establishment ordered to cease operations) |
| Oklahoma | One NR provided |
| South Carolina | One NR provided (establishment agreed to consent order requiring employees attend training session on humane slaughter in lieu of civil penalty) |
| South Dakota | No reports provided |
| Texas | 30 NRs provided ^d |

ENFORCEMENT OF STATE LAWS

| | |
|---------------|--|
| Utah | No reports provided |
| Vermont | No reports provided |
| Virginia | Four NRs provided ^e |
| West Virginia | No reports provided |
| Wisconsin | Four NRs provided (in two cases, establishments received letters of warning/information) |
| Wyoming | No reports provided |

Notes

^a State conducts inspections for custom slaughter only.

^b Data sheets indicated three noncompliance incidents but no reports sent.

^c Of 34 reports received, only seven were written to state-inspected facilities and the remainder to federal facilities inspected by state personnel.

^d Data sheets indicated 41 noncompliance incidents but only 30 reports sent; reports for 2003 to 2004 only (no records available for 2002).

^e All reports were written to federal facilities inspected by state personnel.

Table 22. State Communications Related to Humane Slaughter

2002 to 2004

| <u>State</u> | <u>Communications</u> |
|-------------------------|--|
| Alabama | No documents provided |
| Arizona | No documents provided |
| California ^a | Two documents provided, including one poultry and one (draft) livestock humane handling compliance report form |
| Colorado ^a | No documents provided |
| Delaware | No State inspected meat plants at this time |
| Georgia | No documents provided |
| Illinois | No documents provided |
| Indiana | No documents provided |
| Iowa | No documents provided |
| Kansas | No documents provided |
| Louisiana | No documents provided |
| Maine | No documents provided |
| Minnesota | No documents provided |
| Mississippi | No documents provided |

| | |
|----------------|--|
| Missouri | No documents provided |
| Montana | One memo provided, requesting staff review federal humane slaughter regulations |
| New Mexico | One document provided: a form to indicate acceptance of humane slaughter regulations by slaughter establishment |
| North Carolina | No documents provided |
| North Dakota | One memo provided, instructing staff to review the USDA directive and training scenario on humane slaughter |
| Ohio | No documents provided |
| Oklahoma | No documents provided |
| South Carolina | No documents provided |
| South Dakota | Three documents provided, including one memo instructing staff to review the USDA humane slaughter directive; one memo reminding producers, markets and slaughter plants to take measures to protect animals from extreme weather; and one agenda for a staff workshop on humane slaughter |
| Texas | No documents provided |
| Utah | No documents provided |
| Vermont | No documents provided |
| Virginia | No documents provided |
| West Virginia | No documents provided |
| Wisconsin | No documents provided |
| Wyoming | No documents provided |

Notes

^a State conducts inspections for custom slaughter only.

As indicated in Table 21, a few states took enforcement actions beyond issuance of an NR. Kansas and Wisconsin each issued two letters of warning during the 3-year period. California temporarily suspended inspection at a custom poultry slaughter plant. Ohio withdrew inspection and ordered operations to cease at an establishment that had a history of uncorrected violations, including failure to provide water for animals in holding pens. In lieu of a civil penalty, South Carolina mandated training on humane handling for employees of a plant involved in an incident in which a conscious non-ambulatory cow was dragged off a trailer onto the ground.

The state of Minnesota assessed the strongest penalties for humane slaughter violations. In one case, a slaughter plant that used a sledgehammer to stun a pig was assessed a

penalty of \$500 (fine was stayed). In another case involving the use of an ax to stun a pig, Minnesota sought criminal prosecution under the state humane slaughter law. The establishment owner pled guilty and was fined \$1,000 and placed on probation for a period of one year. (This was the only instance of criminal prosecution for inhumane slaughter identified in the United States for the period 2002 through 2004.) In this case the violation occurred at a custom slaughter establishment and was observed and reported by a customer, as described below:

On July 16, 2004, the Dairy, Food and Meat Inspection Division of the Minnesota Department of Agriculture received a telephone call from [names withheld]. [Names withheld] were calling regarding a pig they purchased from Jeffries Chicken Farm in Inver Grove Heights. [Names withheld] reported that they wanted to discuss the manner in which the pig they purchased had been handled prior to slaughter. [Name withheld] reported that he observed an employee ... repeatedly hit the pig they selected over the head with an axe. They reported that the first blow landed above the pig's eye, causing the pig to fall to the ground. They reported that the pig then staggered to his feet and appeared disoriented and squealed loudly. They reported that [employee] hit the pig in the same manner 5-6 times, yielding the same reaction from the pig. [Name withheld] and other family members requested that the hitting stop. [Name withheld] reported that [the employee] then dragged the pig across the floor, closer to the drain, and slit the pig's throat. [Name withheld] reported that the owner of the Jeffries Chicken Farm, John Jeffries, was present during the entire slaughter process and observed [employee] hitting the pig. During this time, John Jeffries was observed to slaughter another pig in the same manner. [Names withheld] reported that they had been at the Jeffries Chicken Farm on other occasions and observed other animals treated in the same manner.²¹¹

Table 23. Summary of State NRs

2002 to 2004

Animals Involved^a

| <u>Species</u> | <u># Records</u> |
|----------------|------------------|
| Cattle, calves | 19 |
| Hogs, pigs | 20 |
| Sheep, goats | 5 |
| Rabbits | 4 |
| Bison | 2 |
| Poultry | 2 |
| Not specified | 13 |

²¹¹ State of Minnesota (City of Inver Grove Heights) vs. Lee Wayne Pilgrim, Complaint (Exhibit A).

CRIMES WITHOUT CONSEQUENCES

Type of Violation^a

| <u>Violation</u> | <u># Records</u> |
|---------------------------------------|------------------|
| Failure to provide water in pen | 24 |
| Pens or grounds in disrepair | 14 |
| Ineffective stunning | 10 |
| Improper ritual slaughter | 6 |
| Failure to provide feed in pen | 5 |
| Conscious animal on bleed rail | 3 |
| Excessive force used to drive animals | 3 |
| Improper handling of disabled animal | 3 |
| Inadequate space in pens for lying | 1 |
| Not specified | 1 |

Violations per Establishment

| <u># NRs</u> | <u># Establishments</u> |
|--------------|-------------------------|
| 1 Record | 23 |
| 2 Records | 9 |
| 3 Records | 1 |
| 4 Records | 1 |
| 5 Records | 0 |
| 6 Records | 2 |

Notes

^aMultiple possible

The above table summarizes the information contained in the NRs provided by state departments of agriculture for the period January 1, 2002 through December 31, 2004. The data for type of violation and number of violations per establishment were similar to those reported for federal inspected slaughter plants during the same period (see Section 5.1). However, the reporting of incidents by animal species differed between state and federal enforcement records. Cattle and pigs were reported to be involved in an approximately equal number of state humane slaughter incidents, while more cattle than pigs were involved in federal incidents.

8.2 Application of anti-cruelty laws

The above review of state enforcement records suggests that very few prosecutions are brought under state humane slaughter laws. In fact, only one prosecution could be identified for the entire United States during a recent 3-year period of time. Even were prosecutions to be brought under state humane slaughter statutes, only relatively weak misdemeanor penalties could be assessed in most cases. Moreover, not all states have humane slaughter codes that can be applied. As a result, animal advocates have encouraged state and local officials to prosecute occurrences of inhumane slaughter under state anti-cruelty laws.

Although all 50 states have enacted anti-cruelty laws, a number of states exempt accepted agricultural practices (Table 24). This exemption does not necessarily preclude prosecution of inhumane slaughter cases, as the meat industry has clearly defined practices in terms of the humane handling and slaughter of livestock (see Section 9). Three of these states, as well as two additional ones, exempt slaughter by approved methods. Again, this limitation should not automatically rule out prosecution of inhumane slaughter under the law. However, the anti-cruelty laws of five states exempt slaughter generally, which could preclude prosecution. (See Appendix D for relevant excerpts from the laws.)

Table 24. State Anti-Cruelty Laws

State laws exempting accepted agricultural practices (22 states):

Alaska, Arizona, Connecticut, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Michigan, Missouri, Montana, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, West Virginia, Wyoming

State laws exempting slaughter by approved methods (five states):

Connecticut, Delaware, Idaho, Oregon, South Dakota

State laws exempting slaughter generally (five states):

Georgia, Illinois, Kentucky, North Carolina, Rhode Island

To date, attempts to pressure state officials to prosecute inhumane slaughter under state animal cruelty codes have proven unsuccessful. An individual was prosecuted for neglect/abuse of animals on the premises of a slaughterhouse in at least one case²¹², but no instances have been located of successful prosecution of inhumane treatment during the slaughter process itself. In declining to prosecute under anti-cruelty statutes, state and

²¹² Teeter B, Arrest warrants issued for slaughterhouse owner, *[Ft Worth] Star-Telegram*, August 24, 2004; Slaughterhouse owner gets 6 month sentence, *Star-Telegram*, May 5, 2005.

local officials have cited either lack of evidence or federal jurisdiction over slaughter establishments, as illustrated by the case studies below.

Arizona, 1999

In October 1999, members of the Arizona Society for the Prevention of Cruelty to Animals (AzSPCA) videotaped seriously ill and injured calves in holding pens at the Tri-Western Meat Packing plant in Phoenix. A number of obviously ill calves were found to be held in urine- and feces-filled pens along with healthy animals; injured calves were filmed lying in bins with dead animals. Although the AzSPCA requested that the plant be prosecuted for felony animal cruelty, the Maricopa County Attorney's Office said it was unable to find enough evidence to file charges. The USDA also failed to take any action. In a statement to police, the USDA inspector on duty at the plant said he had verbally reprimanded employees for rough handling of calves.²¹³

Washington, 2000

In May 2000, employees at an IBP (now Tyson Foods) cattle slaughter plant in Wallula took a video showing animals being cut while still conscious. The video also captured fallen cattle being trampled and dragged and one incident where workers stuck an electric prod on the head of a fallen cow and then into the animal's mouth. HFA, which had provided the video equipment to plant workers, obtained affidavits about cruel treatment of animals from 23 plant employees. The group released the video footage to the media and requested that the state prosecute the plant for violations of Washington state animal cruelty and humane slaughter laws.²¹⁴ Although the governor ordered an impartial investigation of the allegations, the Walla Walla County Prosecutor declined to bring charges against the plant, citing insufficient evidence. However, the Washington State Department of Agriculture (WSDA) entered into an agreement with IBP that required the company, among other things, allow the department to make unannounced inspections and inspect IBP records. IBP also agreed to operate three video cameras and allow WSDA access to the tapes. In declining to prosecute, the county attorney noted that IBP had been "put on notice, so that future violations might be easier to prosecute."²¹⁵

Washington, 2002

In October 2002, the Seattle television station KIRO aired a series of reports on its investigation into the inhumane handling of downed cattle at Midway Meats in Chehalis. Reporters for the station observed conscious non-ambulatory cattle being dragged by a chain around the neck off trailers and to slaughter. Although the Lewis County Prosecuting Attorney and the Washington State Attorney General were asked to prosecute Midway Meats under the state animal cruelty law, no charges were ever brought.

²¹³ DeFalco B, Meatpacker faces charges of cruelty to animals at plant, *Arizona Republic*, October 19, 1999; DeFalco B, Meat packing plant open despite cruelty accusation, *Arizona Republic*, November 12, 1999.

²¹⁴ Sanders E, Workers accuse slaughterhouse of animal cruelty, *Seattle Times*, May 1, 2000; Locke orders probe of alleged cruelty at IBP slaughterhouse, *Seattle Post-Intelligencer*, May 5, 2000; Animal welfare group says cattle slaughtered inhumanely at Washington plant, *Seattle Post-Intelligencer*, January 25, 2001.

²¹⁵ State investigation of IBP meat packing plant is concluded, State of Washington News Release, April 18, 2001. (http://www.atg.wa.gov/releases/rel_IBP_041801.html) See also Investigation into alleged violations of state law by IBP, Inc: summary report, Washington State Department of Agriculture, April 2001. (<http://www.atg.wa.gov/pubs/IPB/IBP%20Investigation%20Summary%20Report.pdf>)

However, shortly after the airing of the television segments, the slaughter plant stopped accepting downed cattle for slaughter.²¹⁶

Arkansas, 2003

In February 2003, People for the Ethical Treatment of Animals (PETA) asked the prosecuting attorney for Polk County to bring animal cruelty charges against a Tyson Foods chicken slaughter plant located in Grannis. The request for prosecutorial action was based on statements made by Virgil Butler, an employee at the Tyson plant from July 1997 to November 2002. Butler said he personally witnessed numerous acts of cruelty perpetrated by workers and supervisors at the plant including intentional ripping off the heads, legs and wings of live birds; stomping birds to death on the floor; running over birds with forklifts and blowing apart live birds with dry-ice “bombs.” The Polk County Sheriff’s Office, along with the USDA, said they investigated Butler’s accounts but could find no substantiating evidence.²¹⁷

Iowa, 2004

In November 2004, PETA released a videotape of kosher slaughter practices at AgriProcessors in Postville. The videotape showed cattle having their tracheas and esophagi ripped out after throat-cutting and while the animals were still conscious, and then being dumped from the restraining device onto a concrete floor. Many of the animals shown were struggling to stand, and some were able to walk, for up to three minutes after being cut. The USDA-FSIS conducted its own investigation and determined that employees for Agriprocessors had engaged in acts of inhumane slaughter, and that FSIS employees observed the cruelty and took no action to stop it. As a result, the USDA suspended one inspector for 14 days and gave warning letters to two more; however, the assistant U.S. attorney declined to prosecute the plant for violating the federal humane slaughter law.²¹⁸ The Iowa Department of Agriculture referred the issue of state-level animal cruelty prosecution to local law enforcement officials.²¹⁹ No charges have been brought. A newspaper article authored by an Iowa Associated Press reporter said, “The state has no jurisdiction over meatpackers.”²²⁰

Maryland, 2004

Between September 16 and October 1, 2004, an investigator for Compassion Over Killing (COK) worked at a Perdue slaughter plant in Showell. The group released a videotape taken at the plant showing conscious chickens being shoved and thrown down the slaughter line and others having their legs roughly shoved into shackles. Injured birds are also shown being abandoned to die on the conveyor belt and elsewhere on the grounds of the plant. The investigator stated he received no training in animal handling when hired to work in the shackling area. Perdue argued that no

²¹⁶ KIRO-TV segments airing October 21, 2002; November 1, 2002; May 12, 2003; Emerson A, Midway Meats stops accepting ‘downer’ cattle, *The Chronicle*, November 3, 2002.

²¹⁷ Simon S, Web writer sorry for killing chickens, *Miami Herald*, December 14, 2003.

²¹⁸ McNeil D, Inquiry finds lax federal inspections at kosher meat plant, *The New York Times*, March 10, 2006.

²¹⁹ Eby C, Ag Secretary Judge: Postville slaughter video is ‘disturbing’, *Globe Gazette*, December 7, 2004.

²²⁰ Dvorak T, Tour of kosher plant reveals company’s view of events, *Waterloo/Cedar Falls Courier*, December 14, 2004.

intentional cruelty occurred, and county prosecutors agreed. Although a Worcester County District Court commissioner brought a misdemeanor animal cruelty charge against Perdue, the Worcester County district attorney requested the case be dismissed. “In my opinion, the charges never should have been issued,” said District Attorney Joel Todd. “I wanted this case over, because this defendant is not guilty.”²²¹

Oregon, 2004

The mother of a high school student complained to the board of the North Clackamas School District after her daughter was traumatized from watching sheep being killed on school grounds by a licensed mobile custom slaughter operator. The man slit the throat and broke the neck of animals without using any form of stunning. A district investigation eventually concluded that the manner of killing did not meet federal standards for humane slaughter. Although animal advocates argued that the incident constituted a violation of both Oregon humane slaughter and anti-cruelty laws, the Clackamas County sheriff’s office determined no crime had been committed.²²²

Texas, 2004

A slaughterhouse owner was arrested in August 2004 and charged with cruelty to animals after nearly 100 sheep, goats and cattle in poor condition were removed from the premises of his slaughter operation in Weatherford. Nine animals died despite veterinary care, and another 12 animals appeared to have died from neglect prior to the arrival of local animal care officials. In May 2005, a Parker County jury deliberated for only 30 minutes before finding the man guilty of animal cruelty. The judge sentenced him to 6 months in jail and imposed a fine of \$4,000.²²³

West Virginia, 2004

In July 2004, PETA released a videotape showing workers at a Pilgrim’s Pride chicken slaughterhouse in Moorefield stomping live chickens, drop-kicking birds as if they were footballs and slamming them into walls. Wood County Prosecutor Ginny Conley refused to file cruelty charges in the case, claiming she had “made the decision that the incident does not rise to the level of a criminal prosecution due to the fact that these were chickens in a slaughterhouse.” Prosecutor Conley added that the situation demonstrated improper behavior but it needed “to be handled more on a regulatory end than prosecuting someone criminally. This is more appropriately dealt with through federal and state regulations dealing with slaughterhouses,” explained Conley.²²⁴ The USDA dispatched investigators to the plant, but there is no record of any enforcement action having been taken. A USDA

²²¹ Prosecutors halt complaint, dismiss Perdue animal cruelty charge, Associated Press, February 3, 2005; see also Soper S, No probe yet in alleged Perdue cruelty case, *The [Maryland Coast] Dispatch*, November 4, 2004; Animal rights group pursues complaint against Perdue farms, Associated Press, October 28, 2004.

²²² Schmidt B, District scrutinized for slaughter, *Oregonian*, October 8, 2004; Pardington S, Slaughter must be humane, *Oregonian*, October 26, 2004.

²²³ Teeter B, Arrest warrants issued for slaughterhouse owner, *[Ft Worth] Star-Telegram*, August 24, 2004; Slaughterhouse owner gets 6 month sentence, *Star-Telegram*, May 5, 2005. While this case represents a successful cruelty prosecution of a slaughter facility, the animal treatment at issue was not directly related to slaughter procedures.

²²⁴ Cited in Smith V, Charges won’t be filed in case alleging chicken torture in slaughterhouse, Associated Press, January 11, 2005.

spokesperson said federal inspectors may have missed observing the incidents because they took place outside the inspectors' assigned work area.²²⁵

Alabama, 2005

In May 2005, PETA released results of a 10-week investigation, conducted from December 2004 through February 2005, of a Tyson Foods chicken slaughterhouse in Heflin. During that time, an undercover investigator for the advocacy group documented the treatment of some of the more than 100,000 chickens killed daily in the plant. Their investigator was told not to stop the slaughter line for birds who missed having their throats cut. As a result, chickens are shown on video being immersed in tanks of scalding water while still conscious. Workers were also captured on videotape ripping the heads off conscious birds who had missed the immobilization bath, while other birds are shown being cut and mangled by malfunctioning throat-cutting equipment. According to the investigator, plant management informed workers that scalding 40 conscious birds per shift was acceptable, and even when this limit was exceeded no action was taken.²²⁶ No cruelty charges were ever brought in this case.

California, 2005

Students at University of California at Los Angeles (UCLA) filed a report regarding a small custom slaughterhouse (L.A. Quail Farm) with the Bureau of Humane Law Enforcement in the summer of 2005. A humane officer investigated and found "large numbers of animals crammed into small, filthy spaces and the animals appeared to be sick and injured."²²⁷ The officer issued a notice to comply, giving the business 10 days to improve conditions. When the slaughterhouse failed to cooperate, a search warrant was issued and humane officers and volunteers returned to remove a large number of animals including several thousand quail. The owner forfeited his rights to the animals. Although humane officers have lobbied L.A. prosecutors to prosecute for animal cruelty, to date no action has been taken.²²⁸

Arkansas, 2006

PETA filed a complaint with the Franklin County Prosecutor in September 2006 following release of its investigation into animal handling practices at a Butterball turkey slaughter plant (owned by ConAgra) in Ozark. Workers associated with the group observed and documented numerous incidents of inhumane treatment that occurred at the plant between April and July 2006. Incidents of intentional animal cruelty included decapitating birds, sitting on birds, punching and kicking birds, swinging birds like baseball bats into handrails, throwing carcasses at live birds hanging from shackles and breaking the limbs of conscious birds. Franklin County Prosecutor indicated his office would not consider animal cruelty charges until an investigation by the USDA was complete.²²⁹ To date, no action has been taken.

²²⁵ Sweas M, USDA sends investigators to Pilgrim's plant, <http://www.Meatingplace.com>, July 26, 2004.

²²⁶ PETA launches www.TorturedByTyson.com, releases undercover investigation of Tyson slaughterhouse (news release); PETA website (<http://www.TorturedByTyson.com>).

²²⁷ Slaughterhouse bust, Bureau of Humane Law Enforcement website. (<http://www.bhleonline.com/cases.html>)

²²⁸ Ibid. As with the Texas 2004 example above, this case did not involve animals in the process of being slaughtered or handled for slaughter.

²²⁹ Cody C, PETA's video at turkey plant in Ozark triggers investigation, *Arkansas Democrat-Gazette*, October 23, 2006.

New Jersey, 2006

On January 9, a Trenton police officer responding to a noise complaint in the area of the Trenton Halal Meat Packing Company witnessed animals being crushed to death against a concrete wall. The officer ordered the slaughter plant owner to stop and later reported her concerns to a meeting of the Trenton City Council. According to the plant, goats are killed by Islamic practice, but bulls, due to their size, are stunned with a captive bolt gun prior to shackling and hoisting. However, the patrol officer reported she observed bulls being hoisted by use of a metal grate that pinned the animal against the concrete wall with enough force to lift the animal off the ground. She described the animals as “screaming in pain” during the procedure. The city council discussed the possibility of relocating the slaughter plant outside the city and of “limiting the amount of time trucks with live animals in them can sit outside the slaughterhouse.” However, the council was informed that it has no jurisdiction over what goes on inside the slaughter plant.²³⁰ A spokesman for the USDA stated that the plant was operating within federal regulations and had never been cited for any humane violations.²³¹ To date, no action has been taken against the plant by state or federal officials.²³²

North Carolina, 2007

Mercy for Animals, grassroots animal advocates located in the Columbus, Ohio area, filed a complaint with the Hoke County District Attorney in May 2007 alleging violations of the North Carolina animal cruelty statute at the House of Raeford Farms poultry slaughterhouse in Raeford. An investigator for the animal group worked at the plant in January and February 2007 in the “live-hang” area where chickens and turkeys are shackled onto the slaughter line. The investigator filmed several acts of cruelty, including a worker violently punching live turkeys, birds being thrown across the facility, workers ripping the heads off live turkeys and live birds being crushed under the wheels of trucks. The group has requested that the plant be charged under the state animal cruelty code.²³³ A House of Raeford representative told www.Meatpoultry.com that four of the five workers shown in the videotape had been terminated shortly after the filming and that the slaughterhouse had scored 94.9 out of a possible 100 points on an animal welfare audit conducted by a third party company in November 2006.²³⁴

California, 2008

A 6-week undercover investigation conducted by HSUS during the fall of 2007 at the Hallmark Meat Company in Chino resulted in the release of a videotape documenting

²³⁰ Dee J, Slaughter horrors recounted, *The Times of Trenton*, January 20, 2006; Dee J, Slaughterhouse denies inhumane practices, *The Times of Trenton*, January 21, 2006.

²³¹ Dee J, Slaughterhouse denies inhumane practices. In fact, the USDA issued NRs to Trenton Halal Packing for humane violations on October 21, 2003 and February 16, 2004.

²³² The New Jersey Cruelty to Animals Statute (Section 22-16.1) provides that standards for the humane treatment of domestic livestock be developed by the state board of agriculture and the U.S. Department of Agriculture, and that there is a presumption that treatment consistent with those standards does not constitute animal cruelty. However, this provision covers the “raising, care, treatment, marketing, and sale of domestic livestock” and does not specifically cover slaughter or handling in preparation for slaughter.

²³³ See Undercover poultry slaughterhouse investigation, Mercy for Animals website. (<http://www.mercyforanimals.org>)

²³⁴ House of Raeford responds to “malicious activity” by animal rights group, <http://www.Meatpoultry.com>, May 23, 2007.

multiple incidents of cruelty. The tape showed non-ambulatory cows being repeatedly struck in the face, rammed and dropped with a forklift, and dragged by a chain. One animal was sprayed with a high-pressure hose in an attempt to get her to her feet while an employee shouted, "Up or die."²³⁵ Following exposure of the investigation the FSIS took several actions including suspending inspection at the plant.²³⁶ The San Bernardino District Attorney filed state animal cruelty charges against two Hallmark employees terminated by the plant for their role in the incidents. One was charged with five felonies and three misdemeanors and the other with three misdemeanors.²³⁷

²³⁵ HSUS, California prosecutor files cruelty charges against slaughter plant employees (news release), February 15, 2008.

²³⁶ USDA-FSIS, Statement of Secretary of Agriculture Ed Schafer regarding Hallmark/Westland Meat Packing Company two year product recall (news release 0046.08), February 17, 2008.

²³⁷ Martin A, Largest recall of ground beef is ordered, *The New York Times*, February 18, 2008.

9. Industry Slaughter Guidelines

Both animal agriculture trade associations and individual producers have created quality assurance programs and guidelines to assess farm animal rearing and handling. These trade associations include those representing producers of dairy and beef cattle, veal calves, sheep, pigs, meat chickens and laying hens. Of these various trade associations, only NCC addresses the handling of animals at slaughter. In addition, AMI—the trade association of the livestock slaughter industry—has developed guidelines and an auditing system for the handling and stunning of cattle and calves, pigs, sheep and goats. The retail food service industry and individual retailers (fast food restaurants in particular) have also developed animal care guidelines and auditing programs. These programs are briefly described below.

9.1 Livestock industry guidelines

The livestock slaughter industry was the first sector of animal agriculture to develop animal care guidelines and auditing. AMI released voluntary animal care guidelines to its members in 1991. Dr. Temple Grandin, professor in the Department of Animal Sciences at Colorado State University, developed the guidelines. Revisions were made in 2001, 2005 and 2007, each time by Grandin, with guidance from the AMI Animal Welfare Committee. The 2007 document is titled *Recommended Animal Handling and Audit Guidelines* and includes references. It contains sections on electric stunning, captive bolt stunning, gas stunning, bleed rail insensibility, scoring of slipping and falling, vocalization scoring of cattle, vocalization scoring of pigs, electric prod use, handling of non-ambulatory animals and ritual slaughter. Sections on willful acts of abuse and access to water were added in 2007. It also includes recommendations on trucking practices, facility design and basic animal handling principles.²³⁸ Producer trade associations frequently reference the AMI guidelines in regards to the treatment of animals at slaughter.

9.2 Chicken industry guidelines

NCC and United Egg Producers (UEP) have developed guidelines for the care and handling of meat birds and egg-laying hens, respectively. The NCC guidelines are voluntary, while the UEP operates a third-party animal care certification program. Producers desiring to market their eggs as UEP Certified must file monthly compliance reports and be audited by an independent auditor designated and approved by UEP.²³⁹

UEP guidelines cover the handling (catching) and transport of birds to slaughter.

²³⁸ Grandin T, Recommended animal handling and audit guidelines, American Meat Institute Foundation, 2007. (<http://www.animalhandling.org/guidelinesauditing.htm>)

²³⁹ For additional information about the NCC and UEP quality assurance programs, see Farm Sanctuary, Farm animal welfare: an assessment of product labeling claims, industry quality assurance guidelines and third party certification standards, 2005. (http://www.farmsanctuary.org/campaign/FAWS_Report.pdf)

They also set limits for fasting and water withdrawal prior to slaughter. However, the guidelines do not address either handling or stunning of hens during the actual slaughter process.²⁴⁰ In fact, to date, no U.S. industry quality assurance program or third-party humane food program—aside from AWI—has published guidelines on the humane slaughter of egg-laying hens.

The voluntary guidelines of NCC address the handling and stunning of meat chickens at slaughter. They require that slaughter facilities have animal handling training programs for all employees, as well as emergency plans that address bird welfare in the event of a power failure. The guidelines recommend that 98 percent of birds be effectively stunned, and allow for up to 2 percent of birds to be killed manually due to improper killing by slaughter equipment. They also allow up to 50 broken wings in a sample of 500 birds.²⁴¹ According to animal handling expert Grandin, “There is a need for the poultry industry to make their own guidelines more strict.” For example, Grandin feels allowing 5 percent of broken wings is too lax and prefers a broken wing limit of 3 percent for heavy birds and 1 percent for light birds.²⁴²

Under the NCC guidelines, acceptable methods of in-plant culling include rapid decapitation, rapid cervical disarticulation and use of nitrogen, carbon dioxide or other approved gases. While the use of gas is mentioned as acceptable for culling birds not intended for slaughter, the description of approved slaughter methods is limited to electrical stunning. Shackling, hoisting and hanging of conscious birds are allowed.²⁴³

9.3 Food service industry guidelines

The Food Marketing Institute (FMI) and the National Council of Chain Restaurants (NCCR) are the national trade associations for retail food stores and chain restaurants, respectively. They have cooperated to offer their combined memberships a quality assurance-auditing program for assessing the animal care delivered by suppliers. Since 2001 FMI-NCCR has worked with producer trade associations to develop and/or refine their animal care quality assurance guidelines. FMI-NCCR has developed its own auditing program based on the quality assurance guidelines of the various producer groups. In doing so they accepted the guidelines of AMI for the slaughter of cattle, calves, pigs, sheep and goats. They also eventually accepted the slaughter guidelines of NCC, after expressing a preference for a higher stunning effectiveness limit (99 percent vs. 98 percent) and a lower limit for broken wings (3 percent vs. 5 percent) and dislocated wings (1 percent vs. 5 percent).²⁴⁴

²⁴⁰ See United Egg Producers, UEP animal husbandry guidelines for U.S. egg laying flocks, 2006. (<http://www.uepcertified.com/abouttheprogram.html>) UEP notes that hens are being killed at the production site due to slaughter plants no longer taking spent hens. (See Guidelines, p. 12)

²⁴¹ National Chicken Council, NCC animal welfare guidelines and audit checklist, 2005. (<http://www.nationalchickencouncil.com/aboutIndustry/detail.cfm?Id=19>)

²⁴² Grandin T. 2004 restaurant animal welfare audits of stunning and handling in Federally inspected U.S. and Canadian beef, veal, pork, lamb, and poultry slaughter plants. (<http://www.grandin.com/survey/2004.restaurant.audits.html>)

²⁴³ NCC animal welfare guidelines and audit checklist.

²⁴⁴ See the Animal Welfare section of the FMI website. (http://www.fmi.org/animal_welfare)

In 2003, the Animal Welfare Audit Program of FMI-NCCR began conducting audits of supplier slaughter plants upon the request of its members. In the first year of the program, audits were conducted at six non-poultry slaughter plants, and in year two, five poultry and one non-poultry slaughter plants were audited.²⁴⁵ The number and identity of retailers participating in the program is not publicized.

Certain individual retailers, such as restaurants and grocery stores, have developed their own animal care guidelines, along with a process for auditing their suppliers' compliance with those guidelines. Fast food restaurants, including McDonald's Corporation, Burger King Corporation, Wendy's International and Jack-in-the-Box, were the first retailers to establish programs to monitor the treatment of animals by the animal agriculture industry. In fact, their efforts in this area influenced the creation of the FMI-NCCR audit program, mentioned above.²⁴⁶

9.4 Compliance with industry guidelines

The results of industry and third-party animal care audits are generally not released to the public. However, since 1999, Temple Grandin has compiled annual slaughter plant welfare audits and posted the results on her website.²⁴⁷ Her findings for cattle and pig slaughter plants are summarized in Tables 25 (cattle) and 26 (pigs). The data show that stunning effectiveness for both cattle and pigs improved dramatically from the time of Grandin's first audit in 1996 and 1999, when the first fast food audits began. However, since 1999, the scores have fluctuated, with pig slaughter plants producing higher stunning effectiveness scores than cattle slaughter plants. It should be noted that each year, less than 100 of the 800 federal livestock slaughter plants are audited. These plants are most likely among the country's largest, and many of them are audited at least annually, while most small U.S. plants have never undergone a third-party audit.

Grandin has compiled welfare audit results for poultry slaughter plants since 2004. That year, only 22 of 47 plants (47 percent) met the requirement of properly stunning 99 percent or more of chickens on their first audit. Seven of the 47 plants (15 percent) failed both their first and second audits.²⁴⁸ In 2005, Grandin compared the audits conducted for NCC with those conducted for a major unnamed retail customer. Because of the way in which the NCC audits were scored 26 percent (5 plants) passed even though they had serious abuses that should have, in Grandin's opinion, resulted in failure. The plants passed the audits because they did well on less critical aspects of the audit. Grandin believes that the NCC audit form is valid but that "the scoring system must be made more strict."²⁴⁹

²⁴⁵ Ibid. See also the Retail Food Industry Auditing Program section of Farm Sanctuary's Farm Animal Welfare report.

²⁴⁶ Ibid.

²⁴⁷ See <http://www.grandin.com>.

²⁴⁸ Although NCC guidelines allow a 2 percent failure rate for effective stunning, some customers (retailers) require a failure rate of 1 percent or less. See Grandin T, 2004 restaurant animal welfare audits of stunning and handling in federally inspected U.S. and Canadian beef, veal, pork, lamb, and poultry slaughter plants. (<http://www.grandin.com/survey/2004.restaurant.audits.html>)

²⁴⁹ Grandin T, 2005 poultry welfare audits. (<http://www.grandin.com/survey/2005.poultry.audits.html>)

Humane slaughter laws require that all animals, other than birds, be rendered insensible with one stunning attempt. However, industry guidelines allow for less than 100 percent stunning effectiveness. AMI guidelines consider a stunning effectiveness rating of 99 percent acceptable for pigs and 95 percent acceptable for cattle and sheep, while the NCC has set an acceptable stunning standard of 98 percent for chickens. Even if 100 percent of slaughter plants were able to meet these standards, it would mean that 185 million chickens, 1.8 million cattle and sheep and 1 million pigs may be killed inhumanely each year in the United States.

Table 25. Industry Audits of U.S. Cattle Slaughter Plants

| <u>Year</u> | <u>Plants Audited^a</u> | <u>Stunning^b</u> | <u>Sensibility^c</u> | <u>Vocalizing^d</u> | <u>Prod Use^e</u> |
|--------------------------|-----------------------------------|-----------------------------|--------------------------------|-------------------------------|-----------------------------|
| 1996 ^f | 13 | 15 | 92 | 38 | NA |
| 1999 ^g | 41 | 37 | 97 | 45 | 64 |
| 2000 ^h | 49 | 41 | 98 | 51 | 45 |
| 2001 ⁱ | 44 | 36 | 91 | 41 | 45 |
| 2002 ^j | 57 | 38 | 95 | 42 | 29 |
| 2003 ^k | 50 | 52 | 90 | 60 | 50 |
| 2004 ^l | 51 | 71 | 94 | 53 | 75 |
| 2004 (veal) ^l | 5 | 75 | 100 | 60 | 100 |
| 2005 ^m | 43 | 55 | 100 | 60 | 74 |
| 2006 ⁿ | 46 | 56 | 95 | 56 | 57 |
| 2006 (veal) ⁿ | 3 | 67 | 100 | 100 | 100 |
| 2007 ^o | 44 | 64 | 98 | 70 | 62 |

Notes

^a Not all plants were audited on all measures of animal welfare; therefore the sample sizes for each measure (stunning, sensibility, vocalizing and prod use) are typically smaller than the total number of plants audited.

^b Percent of plants stunning at least 99 percent of animals with one shot of captive bolt gun. A score of 99 percent is considered “excellent” by AMI; scores of 95 to 98 percent are “acceptable.”

^c Percent of plants with 100 percent of animals insensible on the bleed rail.

^d Percent of plants with less than 2 percent of animals vocalizing during handling and stunning.

^e Percent of plants using electrical prods on 5 percent or less of animals.

^f Grandin T, Survey of stunning and handling in federally inspected beef, veal, pork, and sheep slaughter plants. (<http://www.grandin.com/survey/usdarpt.html>)

^g Grandin T, 1999 audits of stunning and handling in federally inspected beef and pork plants. (<http://www.grandin.com/survey/99.audits.beef.pork.html>)

^h Grandin T, 2000 McDonald’s audits of stunning and handling in federally inspected beef and pork plants. (<http://www.grandin.com/survey/2000McDonalds.rpt.html>)

ⁱ Grandin T, 2001 restaurant audits of stunning and handling in federally inspected beef and pork slaughter plants. (<http://www.grandin.com/survey/2001.restaurant.audits.html>)

^j Grandin T, 2002 restaurant audits of stunning and handling in federally inspected beef and pork slaughter

INDUSTRY SLAUGHTER GUIDELINES

plants. (<http://www.grandin.com/survey/2002.restaurant.audits.html>)

^k Grandin T, 2003 restaurant welfare audits of stunning and handling in federally inspected beef and pork slaughter plants. (<http://www.grandin.com/survey/2003.restaurant.audits.html>)

^l Grandin T, 2004 restaurant animal welfare audits of stunning and handling in federally inspected U.S. and Canadian beef, veal, pork, lamb, and poultry slaughter plants. (<http://www.grandin.com/survey/2004.restaurant.audits.html>)

^m Grandin T, 2005 restaurant animal welfare audits of federally inspected beef and pork slaughter plants. (<http://www.grandin.com/survey/2005.restaurant.audits.html>)

ⁿ Grandin T, 2006 restaurant animal welfare audits of federally inspected beef, pork, and veal slaughter plants. (<http://www.grandin.com/survey/2006.restaurant.audits.html>)

^o Grandin, T, 2007 restaurant animal welfare and humane slaughter audits in federally inspected beef and pork slaughter plants in the U.S. and Canada. (<http://www.grandin.com/survey/2007.restaurant.audits.html>)

Table 26. Industry Audits of U.S. Pig Slaughter Plants

| <u>Year</u> | <u>Plants Audited^a</u> | <u>Stunning^b</u> | <u>Sensibility^c</u> | <u>Prod Use^d</u> |
|-------------------|-----------------------------------|-----------------------------|--------------------------------|-----------------------------|
| 1996 ^e | 11 | 56 | 91 | NA |
| 1999 ^f | 19 | 95 | 89 | NA |
| 2000 ^g | 19 | 89 | 84 | NA |
| 2001 ^h | 20 | 88 | 90 | NA |
| 2002 ⁱ | 23 | 95 | 91 | NA |
| 2003 ^j | 24 | 91 | 93 | 26 |
| 2004 ^k | 40 | 90 | 93 | 56 |
| 2005 ^l | 28 | 100 | 90 | 36 |
| 2006 ^m | 20 | 100 | NA | 41 |
| 2007 ⁿ | 20 | 95 | NA | 55 |

Notes

^a Not all plants were audited on all measures of animal welfare; therefore the sample sizes for each measure (stunning, sensibility, vocalizing and prod use) are typically smaller than the total number of plants audited.

^b Percent of plants with correct stunning wand placement on 99 to 100 percent of animals.

^c Percent of plants with 100 percent of animals insensible on the bleed rail.

^d Percent of plants using electrical prods on 5 percent or less of animals. AMI standard is 25 percent or less of animals.

^e Grandin T, Survey of stunning and handling in federally inspected beef, veal, pork, and sheep slaughter plants. (<http://www.grandin.com/survey/usdarpt.html>)

^f Grandin T, 1999 audits of stunning and handling in federally inspected beef and pork plants. (<http://www.grandin.com/survey/99.audits.beef.pork.html>)

^g Grandin T, 2000 McDonald's audits of stunning and handling in federally inspected beef and pork plants. (<http://www.grandin.com/survey/2000McDonalds.rpt.html>)

^h Grandin T, 2001 restaurant audits of stunning and handling in federally inspected beef and pork slaughter plants. (<http://www.grandin.com/survey/2001.restaurant.audits.html>)

ⁱGrandin T, 2002 restaurant audits of stunning and handling in federally inspected beef and pork slaughter plants. (<http://www.grandin.com/survey/2002.restaurant.audits.html>)

^jGrandin T, 2003 restaurant welfare audits of stunning and handling in federally inspected beef and pork slaughter plants. (<http://www.grandin.com/survey/2003.restaurant.audits.html>)

^kGrandin T, 2004 restaurant animal welfare audits of stunning and handling in federally inspected U.S. and Canadian beef, veal, pork, lamb, and poultry slaughter plants. (<http://www.grandin.com/survey/2004.restaurant.audits.html>)

^lGrandin T, 2005 restaurant animal welfare audits of federally inspected beef and pork slaughter plants. (<http://www.grandin.com/survey/2005.restaurant.audits.html>)

^mGrandin T, 2006 restaurant animal welfare audits of federally inspected beef, pork and veal slaughter plants. (<http://www.grandin.com/survey/2006.restaurant.audits.html>)

ⁿGrandin, T, 2007 restaurant animal welfare and humane slaughter audits in federally inspected beef and pork slaughter plants in the U.S. and Canada. (<http://www.grandin.com/survey/2007.restaurant.audits.html>)

10. Slaughter Standards under Animal Welfare Labeling Programs

In the past decade, several humane certification food-labeling programs have been developed in the United States. The purpose of these programs is to provide verification of humane animal care to consumers. The country's largest food certification scheme—the National Organic Program—covers some animal care issues, such as feed, health care practices and living conditions. Although slaughter is mentioned, the organic program provisions are not specific to animal treatment. However, other food labeling programs do address the treatment of animals at slaughter. These include the American Humane Certified, Animal Welfare Approved and Certified Humane, which are briefly described in this section.

For the most part, animal welfare labeling programs reference the guidelines of AMI for the handling and stunning of livestock (cattle, pigs, sheep, goats) at slaughter, which are viewed as generally adequate by animal protectionists. Animal Welfare Approved adds a further restriction concerning the use of electric prods. Some of these programs have specific standards for the handling and stunning of other animals such as birds and rabbits. Following is a list of animals for which animal welfare labeling programs have developed specific slaughter standards:

Chickens

- American Humane Certified program (meat chickens)
- Animal Welfare Approved program (meat chickens and laying hens)
- Certified Humane program (meat chickens)

Turkeys

- Animal Welfare Approved program
- Certified Humane program

Ducks, Geese

- Animal Welfare Approved program

Rabbits

- Animal Welfare Approved program

10.1 American Humane Certified

American Humane Certified is administered as a voluntary, fee-based program of AHA for producers of animals raised for food. Its standards are similar to those of Certified Humane, however, unlike that program, no revisions have been made to its standards in the past several years. The program has an advisory committee comprised of one large animal veterinarian and four academia-based members. Audits are conducted by an

independent professional auditing company that also conducts audits for the National Organic Program. Relatively little information is provided on the program's webpage, and the program standards are not posted.

American Humane Certified standards address the care and handling of beef cattle, dairy cattle, sheep, pigs, turkeys, meat chickens and laying hens. American Humane Certified has no plans to develop standards to cover additional species. Standards for the slaughter of meat chickens are similar to those of Certified Humane, with the exception that use of gas stunning with argon or argon and carbon dioxide mixtures is not currently allowed.

10.2 Animal Welfare Approved

AWI formally launched its Animal Welfare Approved program in November 2006. AWI developed its husbandry standards in collaboration with farmers, scientists and veterinarians with expertise in farm animal health and well-being. Farms and slaughter plants are audited on a yearly basis. The Animal Welfare Approved seal is bestowed on family farms that raise all of a species of animal under the program's standards and do not engage in dual production—that is, the program prohibits raising some animals of a particular species under the seal of approval while raising others of that species under intensively reared factory-farming conditions.

Standards have been created for beef cattle, dairy cattle, pigs, sheep, turkeys, meat chickens, egg-laying hens, ducks, geese and rabbits. Standards for goats are pending. Farmers are not charged fees for participating in the program. Information regarding Animal Welfare Approved, including its species-specific standards, is available on the program's website.²⁵⁰

The program supports increased availability and use of the CAK system for birds such that it can be a future requirement. CAK permits birds to be killed in their transport crates. Oxygen is slowly replaced by a mixture of argon and carbon dioxide gas, which is preferable to shackling, hoisting and hanging conscious birds. The Animal Welfare Approved program audits slaughter plants used by farms in its program and, when necessary, advises them regarding how to improve their handling and slaughter techniques. All audit reports are confidential.

10.3 Certified Humane

The Certified Humane program, which has application, inspection and certification fees, is administered by Humane Farm Animal Care and funded in part by HSUS and the ASPCA. Animal behavior scientists and veterinarians with expertise in farm animal care developed the standards. These advisors recommend revisions to the standards and assist with audits of farms and slaughter plants. Species-specific standards are available on the program website, along with additional information about the program including its policy manual.

²⁵⁰ Animal Welfare Approved website. (<http://www.animalwelfareapproved.org>)

Standards have been created for beef cattle, dairy cattle, young dairy beef (veal), pigs, sheep, goats, turkeys, meat chickens and egg-laying hens. Certified Humane standards do not currently exist for species such as ducks, geese, rabbits, deer and farmed fish; however, it is the goal of the program to eventually address standards for at least some of these additional animals.

The program requires that any operation using CAK submit a full protocol for review by their scientific committee. According to Humane Farm Animal Care, standards for the slaughter of egg-laying hens are being further researched.

11. Conclusion

Fifty years ago, the U.S. Congress declared that the slaughtering of livestock and the handling of livestock in connection with slaughter must be carried out only by humane methods. The issue of the treatment of animals at slaughter has received renewed attention during the past decade as a result of the disclosure that a significant number of animals are not being humanely handled in U.S. slaughter establishments. In response, Congress, food service retailers and the slaughter industry itself have taken several actions to improve the humaneness of slaughter.

To what degree these initiatives have succeeded is difficult to determine. Access to slaughter plants and to the handling of animals in the plants, is severely limited. With few exceptions, no humane officials monitor the slaughter process. Audits conducted by the meat industry and food retailers demonstrate significant improvement, particularly during the 5-year period from the mid-1990s to 2000. However, whistleblower accounts and videotape documentation captured by animal advocates suggest that these audit findings may not be representative of standard practice. In fact, in at least two cases incidents of blatant cruelty were documented around the same time that the slaughterhouse in question received a passing grade on a third-party animal welfare audit. Only a small percentage of U.S. slaughterhouses have ever undergone a third-party audit, and in those that have, management and workers are typically aware of the review and may alter their performance in response.

While the meat industry's compliance with humane handling and slaughter practices is difficult to assess, the level of enforcement of humane slaughter laws by federal and state agencies is not. This report summarizes enforcement information gathered from more than 60 public records requests to federal and state departments of agriculture. It appears from these records that the level of humane enforcement has increased only slightly in the past decade. The analysis suggests that humane slaughter generally remains a low priority for U.S. agricultural enforcement agencies.

The history of humane slaughter enforcement offers little hope that government oversight of the treatment of animals at slaughter will improve significantly in the future. The U.S. and state departments of agriculture are faced with an inherent conflict of interest in meeting their dual mission of safeguarding animals and the public while promoting animal agriculture. Humane slaughter is likely to remain a low priority in the United States until the enforcement of humane laws is administered by separate federal and state government agencies dedicated to animal protection.

Until this is accomplished, a number of actions can be taken to make food animal slaughter more humane. Following are the specific findings of this report and associated recommendations.

11. 1 Federal Law

- Finding #1:
The federal humane slaughter law and its regulations fail to provide protection to the majority of animals slaughtered for food in the United States. The law has not been applied to birds (chickens, turkeys, etc.) and rabbits, and while humane handling is required for the ante-mortem treatment and slaughter of exotic animals (reindeer, elk, deer, antelope, water buffalo and bison), government inspection of the slaughter of these animals is only voluntary. While the USDA has indicated that it expects custom exempt establishments to meet humane handling and slaughter standards, current regulations do not require compliance.

Recommendation:

The law and/or its regulations should be amended to cover all animals slaughtered for food under federal jurisdiction. The USDA and state departments of agriculture should pursue federal or state inspection of mobile slaughtering companies to encourage on-farm slaughter and thereby eliminate the stress of loading and unloading and transport on the animals.

- Finding #2:
Ritual slaughter is provided an exemption from the requirement of the federal humane slaughter law that animals be stunned prior to cutting. In addition, animals undergoing ritual slaughter may be shackled and hoisted while conscious.

Recommendation:

The ritual exemption should be modified to require upright restraint of animals prior to cutting. Handling in the restraint devices should be monitored and required to meet the same criteria as standard stun boxes and restrainers. The organizations responsible for certifying ritual slaughter should provide appropriate training and evaluation of the slaughter process to assure that it is performed swiftly and efficiently, without animal suffering.

- Finding #3:
Current regulations under the Humane Methods of Slaughter Act are inadequate to prevent a number of reoccurring instances of inhumane handling and slaughter at U.S. slaughter plants.

Recommendation:

Federal regulations should be amended to address common humane handling deficiencies, including a) prohibiting the slaughter of all non-ambulatory animals, b) setting a maximum time animals may remain on vehicles before being unloaded and c) setting minimum space allowances for all vehicles and holding areas.

Federal regulations should be amended to address common humane slaughter violations, including a) prohibiting the use of a sledgehammer or ax to mechanically stun animals, b) requiring a second stunner when plants are operating at high line

speeds, c) requiring emergency stops on the bleed rail, d) requiring a portable stunning device, and backup, for use in ante-mortem areas, e) requiring a backup stunning device in the stunning area and at the bleeding station on the slaughter line, f) requiring testing of all stunning devices, including backups, at the beginning of each shift and regular stunner preventive maintenance and cleaning, and g) requiring formal worker training in humane handling and slaughter.

11.2 Federal Enforcement in U.S. Plants

- Finding #4:
The USDA issued approximately 500 humane handling/slaughter NRs for all federal inspected slaughterhouses during an 18-month period. This represents no increase in the number of deficiencies cited for humane handling/slaughter since the mid-1990s. (This suggests that either no increase in enforcement has occurred or that industry compliance with regulations and federal enforcement of the regulations increased proportionally during the time period, which seems unlikely.) The number of slaughter plants suspended for humane violations over the past 10 years has increased, however, overall, less than 1 percent of all food safety NRs—and less than 10 percent of all food safety suspensions—are issued for humane handling and slaughter violations.

Recommendation:

The USDA should consistently cite all incidents of noncompliance with federal humane handling and slaughter regulations and take all appropriate associated regulatory actions, such as the suspension of plant operations, until the problem is resolved. USDA personnel who repeatedly fail to cite noncompliance should be subject to discipline, including termination.

- Finding #5:
District veterinary specialists in humane slaughter have improved oversight of humane activities in federal plants, as evidenced by the number of NRs referencing the involvement of the district vet. However, these specialists visit individual slaughter plants only rarely, suggesting that most humane violations go either unobserved or unreported.

Recommendation:

The USDA should permanently station inspection personnel in the stunning area of all federal slaughter plants classified as “large.” Their sole responsibility should be ensuring enforcement of the Humane Slaughter Act. In addition, the USDA should require that inspection personnel in all “small” and “very small” plants observe the stunning process at least two times each shift to assess worker competence and proper equipment function. Inspection in the anti-mortem areas of all plants should increase significantly to ensure that animal handling is being conducted in a humane manner.

- Finding #6:
A review of federal enforcement documents indicates serious inconsistencies in the manner in which humane handling and slaughter violations are handled between plants. Slaughter operations were suspended in some cases for failure to provide water to animals in pens, while in other instances officials failed to take action against plants found to be repeatedly butchering conscious animals. Serious inconsistencies were also noted in the manner in which humane handling and slaughter violations were handled between USDA-FSIS districts. During the past decade, one FSIS district covering only 32 plants issued 15 suspensions, while another district covering 139 plants issued just four suspensions.

Recommendation:

USDA headquarters must routinely review the enforcement records of FSIS district offices and provide enforcement guidelines to ensure strong, consistent application of the federal humane slaughter law.

11.3 Federal Enforcement in Foreign Plants

- Finding #7:
The USDA does not routinely consider humane slaughter laws and their enforcement in reviewing foreign country eligibility for exporting meat and meat products to the United States. In inspecting foreign slaughter establishments, the USDA cites very few deficiencies of humane standards compared with the far larger number of citations made for food safety lapses.

Recommendation:

The USDA should review foreign country humane slaughter laws in determining eligibility for meat export to the United States and routinely review humane handling and slaughter practices when inspecting foreign establishments for compliance with the equivalent of U.S. humane slaughter regulations.

11.4 State Laws

- Finding #8:
The federal humane slaughter law and its regulations cover animals slaughtered in state-inspected establishments in all 50 states. However, because only 30 states have passed humane slaughter legislation, and not all species of animals killed for food are covered under these laws, a number of animals remain unprotected. In addition, animals killed on the farm are usually exempt from humane slaughter requirements, and slaughter practices at custom exempt establishments are not routinely monitored.

Recommendation:

States should enact humane slaughter legislation protecting all species of animals killed for food at all locations, including at custom establishments and on the farm. Penalties provided in existing humane slaughter laws should be strengthened.

- Finding #9:
State animal cruelty statutes have not been successful means to punish cases of abuse or torture of animals at slaughter. Moreover, a handful of states specifically exempt slaughter practices from their cruelty codes.

Recommendation:

State anti-cruelty codes should be amended to specifically cover the treatment of animals at slaughter. State humane slaughter laws also should be amended to provide that prosecution under these laws does not preclude prosecution under typically tougher state animal cruelty codes. The USDA should enact a policy or regulation in which it automatically refers incidents of inhumane treatment to state prosecutors for appropriate action under state animal cruelty statutes.

11.5 State Enforcement

- Finding #10:
Most states operating meat inspection programs were not able to provide any documents related to humane slaughter enforcement for a recent three-year period. These states are responsible for overseeing animal handling and slaughter practices at a total of 600 U.S. establishments. Two states (Georgia and Indiana) indicated that they had relevant enforcement records, but were unable to readily produce them due to inadequacies in their record keeping systems.

Recommendation:

The USDA should regularly review humane slaughter enforcement when evaluating state meat inspection programs. The agency should also require that state inspectors routinely monitor the stunning process (at least two times each shift) to assess worker competence and proper equipment function. In addition, the USDA should require a consistent record keeping system among all states operating meat inspection programs.

Appendix A:

Federal Regulations Related to Humane Slaughter

Following are summaries of the major provisions of U.S. Code of Federal Regulations related to humane slaughter of food animals, as of February 2008. The full regulations should be consulted for additional clarification, as well as any additions or revisions.

TITLE 9 – ANIMALS AND ANIMAL PRODUCTS

CHAPTER I – ANIMAL AND PLANT HEALTH INSPECTION SERVICE, U.S. DEPARTMENT OF AGRICULTURE

PART 88 – COMMERCIAL TRANSPORTATION OF EQUINES FOR SLAUGHTER

Sec. 88.1 Definitions.

- Defines owner/shipper as any entity that engages in commercial transport of more than 20 equines per year to slaughtering facilities, except any that transport equines incidental to their principal act of production agriculture.

Sec. 88.2 General information.

- Allows that states may enact equal or more stringent regulations.

Sec. 88.3 Standards for conveyances.

- Requires that all stallions and other aggressive equine be segregated.
- Prohibits use of multiple tiered cargo areas after December 7, 2006.

Sec. 88.4 Requirements of transportation.

- Requires that equines be provided with food, water and the opportunity to rest for not less than 6 consecutive hours immediately prior to the animals being loaded.
- Requires that a certificate that includes a statement of fitness to travel accompany each equine.
- Requires that animals be observed not less than every 6 hours en route.
- Requires that equines that become nonambulatory en route be euthanized by an equine vet.
- Requires animals be off-loaded after 28 consecutive hours of transport and be provided with food, water and opportunity to rest for at least 6 consecutive hours.

Sec. 88.5 Requirements at a slaughtering facility.

- Requires that upon arrival all equines be provided access to food and water.

Sec. 88.6 Violations and penalties

- Allows Secretary of Agriculture to assess civil penalties of up to \$5,000 per violation.

CHAPTER III – FOOD SAFETY AND INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 309 – ANTE-MORTEM INSPECTION

Sec. 309.2 Livestock suspected of being diseased or affected with certain conditions; identifying suspects; disposition on post-mortem inspection or otherwise.

- Requires that all seriously crippled animals and non-ambulatory disabled livestock be identified as U.S. Suspects and disposed of accordingly.
- Defines non-ambulatory disabled livestock as animals “that cannot rise from a recumbent position or that cannot walk, including, but not limited to, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column, or metabolic conditions.” (Interim final rule of January 12, 2004)

Sec. 309.3 Dead, dying, disabled, or diseased and similar livestock.

- Requires that non-ambulatory disabled cattle be condemned and disposed of in accordance with Sec. 309.13. However, FSIS inspection personnel may determine on a case-by-case basis the disposition of cattle that become non-ambulatory after they have passed ante-mortem inspection.

PART 310 – POST-MORTEM INSPECTION

Sec. 310.1 Extent and time of post-mortem inspection.

- Allows the inspector in charge to require the slaughter establishment to reduce the slaughter line speed where inspection procedure cannot be adequately performed or because the health condition of the particular animals indicates a need for more extensive inspection.

PART 313 – HUMANE SLAUGHTER OF LIVESTOCK

Sec. 313.1 Livestock pens, driveways and ramps.

- Requires that livestock pens, driveways and ramps be maintained in good repair and free of sharp corners and sharp or protruding objects.

- Allows that inspector may require that U.S. Suspects and dying, diseased and disabled animals be provided with a covered pen.

Sec. 313.2 Handling of livestock.

- Requires that the driving of animals be done with a minimum of excitement and discomfort to the animals and that devices such as electric prods be used as little as possible.
- Prohibits use of pipes and sharp or pointed objects to drive animals.
- Requires that disabled animals and other animals unable to move be separated from ambulatory animals and placed in a covered pen.
- Prohibits the dragging of conscious disabled animals.
- Requires animals have access to water at all times in holding pens and access to feed if held longer than 24 hours.
- Requires there be sufficient room in the holding pen for animals held overnight to lie down.

Sec. 313.5 Chemical; carbon dioxide.

- Identifies carbon dioxide gas as an acceptable method of slaughtering sheep, calves and swine.
- Allows that carbon dioxide may be administered to induce death in swine.
- Requires that sampling of gas for analysis shall be made on a continuing basis, and gas concentrations and exposure times graphically recorded throughout each day's operation.

Sec. 313.15 Mechanical; captive bolt.

- Identifies the captive bolt stunner as an acceptable method of slaughtering sheep, swine, goats, calves, cattle, horses, mules and other equines.
- Identifies skull penetrating and non-skull penetrating as acceptable types of captive bolt stunners.
- Allows that captive bolt stunners may be energized by 1) detonation of measured charges of gunpowder or 2) accurately controlled compressed air.
- Requires that compressed air devices be equipped with accurate, constantly operating air pressure gauges.
- Prohibits use to stun cattle of captive bolt stunners that deliberately inject compressed air into the cranium at the end of the penetration cycle. (Interim final rule of January 12, 2004)

Sec. 313.16 Mechanical; gunshot.

- Identifies shooting with firearms as an acceptable method of slaughtering cattle, calves, sheep, swine, goats, horses, mules and other equines.
- Designates acceptable types of projectiles as hollow point bullets, frangible iron plastic composition bullets and powdered iron missiles.

Sec. 313.30 Electrical; stunning or slaughtering with electric current.

- Identifies electric current as an acceptable method of slaughtering swine, sheep, calves, cattle and goats.

Sec. 313.50 Tagging of equipment, alleyways, pens, or compartments to prevent inhumane slaughter or handling in connection with slaughter.

- Requires that any inspector observing an incident of inhumane slaughter or handling inform the establishment operator of the incident and request steps be taken to prevent a recurrence. If the operator fails to take action or to provide assurance that action will be taken, the inspector is to initiate the appropriate regulatory control process.
- If the cause of inhumane treatment is facility deficiency, disrepair or broken equipment, the inspector is to attach a “U.S. Rejected” tag to the equipment, alleyway, pen or compartment. The equipment/area is not to be used until the tag is removed.
- If the cause of inhumane treatment is the result of employee actions in the handling or moving of livestock, the inspector is to attach a “U.S. Rejected” tag to the alleyways leading to the stunning area. No more animals are to be moved to the stunning area until the tag is removed.
- If the cause of inhumane treatment is the result of improper stunning, the inspector is to attach a “U.S. Rejected” tag to the stunning area. Stunning is not to be resumed until the tag is removed.

PART 352 – EXOTIC ANIMALS; VOLUNTARY INSPECTION

Sec. 352.10 Ante-mortem inspection.

- Requires that humane handling of an exotic animal during ante-mortem inspection be conducted in accordance with provisions contained in 9 CFR 313.2 [handling of livestock].
- Requires that stunning to render an exotic animal unconscious be conducted in accordance with 9 CFR 313.15 [captive bolt] or 313.16 [gunshot].

PART 500 – RULES OF PRACTICE

Sec. 500.2 Regulatory control action.

- Allows that FSIS may take a regulatory control action because of inhumane handling and slaughtering of livestock.

Sec. 500.3 Withholding action or suspension without prior notification.

- Allows that FSIS may impose a suspension without providing the establishment prior notice because the establishment is handling or slaughtering animals inhumanely.

Appendix B: Federal Plants Issued Suspensions and/or NOIEs

January 1, 1998 to December 31, 2007

| <u>Plant^a</u> | <u>Location</u> | <u>Size</u> | <u>NOIE^b</u> | <u>Suspensions</u> |
|---------------------------------|-----------------|-------------|-------------------------|-----------------------------------|
| 4-L Processing | Coke, TX | Very small | ---- | 05/17/04 |
| Abbyland Pork | Curtiss, WI | Small | ---- | 01/28/99 09/10/01 04/12/02 |
| American Halal Meat | Newark, NJ | Very small | ---- | 10/04/05 |
| AVCO Meat | Gadsden, AL | Small | ---- | 10/07/03 |
| Batlar Enterprises ^d | Sun Prairie, WI | Small | ---- | 05/21/99 |
| Beltex Corporation | Ft Worth, TX | Small | ---- | 03/27/06 |
| Benton Packing | Benton, AR | Small | 12/02/02 ^c | ---- |
| Bernthal Packing | Frankenmuth, MI | Very small | ---- | 10/28/05 |
| Berry & Son's Islamic | Detroit, MI | Small | ---- | 08/25/04 |
| Berry Packing ^d | Crossett, AR | Small | ---- | 04/13/05 09/16/05 ^c |
| Black River Custom | Watertown, NY | Very small | ---- | 12/06/01 03/12/02 |
| Bob Evans Farms | Hillsdale, MI | Small | ---- | 01/29/02 |
| Booker Packing | Booker, TX | Small | 02/07/02 | 10/17/06 |
| Brawley Beef | Brawley, CA | Large | ---- | 03/26/04 |
| Bristol Beef | Bristol, CT | Very small | ---- | 11/10/05 |
| Cabrito Market | Mission, TX | Small | ---- | 09/13/07 10/29/07 |
| Cal Poly University | Pomona, CA | Very Small | ---- | 09/12/01 10/25/01 |
| Central Valley Meat | Hanford, CA | Small | ---- | 02/26/98 |
| Clougherty Packing Co. | Vernon, CA | Large | ---- | 09/07/06 09/08/06 |
| Cloverdale Foods Co | Minot, ND | Small | ---- | 11/14/07 |
| Coleman Natural Products | Limon, CO | Small | ---- | 01/06/06 07/08/06 11/16/06 |
| Crescent Slaughterhouse | Detroit, MI | Small | ---- | 06/30/05 |

CRIMES WITHOUT CONSEQUENCES

| | | | | |
|-----------------------------------|---------------------|------------|-----------------------|----------------------|
| Eshleman Meat ^d | Fontana, CA | Small | ---- | 04/16/98 |
| Excel | Ft Morgan, CO | Large | ---- | 06/11/98 |
| Excel | Frona, TX | Large | ---- | 08/21/03 |
| Excel | Beardstown, IL | Large | ---- | 08/26/03 12/04/03 |
| Farm Fresh Meats Inc | Maricopa, AZ | Very small | ---- | 08/18/06 |
| Foremost Packing ^d | East Moline, IL | Small | ---- | 06/19/98 |
| Freshpork ^d | Lott, TX | Small | 09/05/02 ^c | ---- |
| Fruitland American Meat | Jackson, MO | Small | 12/23/05 | ---- |
| Garner Abattoir | Van Buren, AR | Very small | 06/24/05 | ---- |
| Gibbon Packing | Gibbon, NE | Small | 01/30/04 | 03/10/04 |
| GP Monroe Provisions ^d | Grayson, GA | Very small | ---- | 06/08/05 |
| H & P Meats | South Pittsburg, TN | Very small | ---- | 11/13/07 |
| H & R Meats ^d | Merced, CA | Small | ---- | 09/24/98 |
| Huse's Processing | Malone, TX | Very small | 10/30/03 | 11/25/03 |
| IBP | Palestine, TX | Large | ---- | 06/05/98 |
| Jim's Farm Meat | Atwater, CA | Small | ---- | 07/20/06 |
| Kolob Packing ^d | Burley, ID | Very small | ---- | 12/16/05 |
| L & J Meat Market | Lake City, MI | Very small | ---- | 04/19/07 |
| Longmont Packing ^d | Longmont, CO | Small | ---- | 01/26/98 |
| Martin's Abattoir | Godwin, NC | Small | 07/09/02 | ---- |
| Mountain Meat Packing | Fruita, CO | Very small | ---- | 06/19/07 |
| Nebraska Beef | Omaha, NE | Large | 06/23/05 | ---- |
| Nicholas Packing | Loganton, PA | Small | ---- | 08/10/04 08/21/07 |
| North American Bison | New Rockford, ND | Small | ---- | 04/19/07 |
| P & M Meats ^d | Keymar, MD | Very small | ---- | 03/05/03 |
| Packerland Packing | Green Bay, WI | Large | ---- | 02/06/06 |
| Pease Packing | Scotts, MI | Very small | 10/26/04 | ---- |
| Petaluma Livestock ^d | Newman, CA | Small | ---- | 10/07/05 10/24/05 |
| Procesadora Del Este ^d | Naguabo, PR | Small | ---- | 01/14/04 |
| Quality Pork Processors | Austin, MN | Large | 08/17/07 | ---- |
| Randolph Packing | Asheboro, NC | Small | ---- | 05/19/03 |
| Robersonville Packing | Robersonville, NC | Very small | ---- | 05/02/07 05/09/07 |

APPENDICES

| | | | | |
|---------------------------------|------------------|------------|----------|---|
| Royal Meat Packing ^d | Quakertown, PA | Small | ---- | 05/08/00 |
| S-Bar Packing | Eugene, OR | Very small | ---- | 06/27/06 |
| Saint Croix Abattoir | Saint Croix, VI | Very small | ---- | 03/25/04 |
| Snow Hill Processing | Chesterfield, SC | Very small | ---- | 08/21/06 |
| Stagno's Meat ^d | Modesto, CA | Small | 05/17/07 | 03/06/03 09/18/03 05/24/07 ^c |
| The Meat Shop | Benson, VT | Very small | ---- | 08/15/05 |
| The Pork Company | Warsaw, NC | Small | ---- | 06/09/06 09/05/06 |
| Union Slaughter House | Del Rio, TX | Very small | ---- | 02/14/07 |
| Ward's, Inc. ^d | Jerseyville, IL | Very small | ---- | 01/16/02 ^c |

Notes

^a See Appendix C for slaughter establishment enforcement case studies.

^b Notice of Intended Enforcement (NOIE).

^c Facility cited simultaneously for food safety violations.

^d Facility out of business, has voluntarily withdrawn from federal inspection or has had inspection services withdrawn by the FSIS.

Source: USDA-FSIS Quarterly Enforcement Reports (http://www.fsis.usda.gov/regulations_&_policies/Quarterly_Enforcement_Reports/index.asp).

Appendix C: Federal Enforcement Case Studies

2001 to 2007

4-L Processing (Coke, Texas)

1. Inspection was suspended at the plant on May 17, 2004 in response to the following incident:

There were about 250 hogs delivered to the plant about 0800 hrs this morning. There are some dead animals (15 or more) in the pens with nearly all of the animals suffering the effects of heat exhaustion, i.e. heavy respiration and depression. Some of the animals are standing, but many are down and unable to rise.... There is no water available. Down and/or disabled animals have not been moved to a place of shelter.

Abbyland Pork (Curtiss, Wis.)

1. Plant was issued a Noncompliance Record (NR) on June 14, 2001 for inhumane handling in the barn during unloading.
2. Plant was issued an NR on June 18, 2001 for an incident involving dragging a conscious sow with a T-Bar.
3. Inspection was suspended at the plant on September 10, 2001 in response to the following incident:

At 1055 I went to the stunning area to observe stunning and saw 5 of 10 shackled sows insufficiently stunned such that they were actively blinking, paddling front feet and arching to right themselves. I stopped the chain to allow the sticker to use a captive bolt to stun the animals, then stick them.

4. Inspection was suspended at the plant on April 12, 2002 in response to the following incident:

At 0920 I went into the barn to check for any hogs needing antemortem inspection. I observed [plant personnel] pulling on a T-Bar attached to a sow's front leg, on the back of a semi trailer. I could hear the sow squealing.... As the sow was pulled out of the door of the truck and onto the ramp, I observed that she righted herself, held her head up, and was blinking.

American Halal (Newark, N.J.)

1. Plant was issued an NR on February 27, 2003 for dangerous pen conditions (protruding nails and splinters).
2. Plant was issued an NR on September 26, 2003 for unsanitary and dangerous conditions and failure to provide feed for more than 48 hours.
3. Inspection was suspended at the plant on October 4, 2005 in response to the following incident:

I observed bull with blood dripping from both ears. Approximately one quarter of each ear was cut away from the animal. There was also an obvious injury to the right hind leg causing severe discomfort and excitement to the animal. This condition caused unnecessary pain and suffering to the animal, which is an egregious situation....

AVCO Meat (Gadsden, Ala.)

1. Inspection was suspended at the plant on October 7, 2003 as a result of the following incident:

On today's date at approximately 1500 hrs the following noncompliance was observed by the District Veterinary Medical Specialist. Two disabled non-ambulatory animals were dragged while conscious from a commercial transport trailer onto the establishment

loading chute.... Further observation of the barn area found noncompliances with 9 CFR 313.2(d)(1). Disabled animals were not segregated from normal ambulatory animals. A disabled animal was observed being stepped on by an aggressive boar. Another animal was observed with a laceration of the right foreleg due to fighting.... The area to where the animals were dragged is not covered to protect animals from adverse climatic conditions.... This operation receives cull sows and boars and does not have suitable equipment available such as a stone boat for moving downer/disabled animals as outlined in FSIS directive 6900.1 revision 1.

Beltex Corporation (Fort Worth, Texas)

1. Inspection was suspended at the plant on March 27, 2006 in response to the following incident:

We observed a plant employee attempt to drive three horses from one pen to the next by whipping three horses across the face with a fiberglass rod. These rods are normally used as prods to move the horses but this employee used his as a whip. One bay horse ran forward into a gate and then reared up and flipped over backwards, landing on his head. He received a laceration above one eye and a contusion above the left eye. After getting to his feet, the horse shook his head and continued to open and close his mouth.

Benton Packing (Benton, Ark.)

1. Plant was issued an NOIE on December 2, 2002 for a series of eight NRs related to humane treatment of animals written between March and November 2002.

2. Plant was issued an NR on February 18, 2003 for failure to provide fresh water and clean feeding troughs and again on March 18, 2003 for failure to provide sufficient room in the holding pens and failure to separate downers from ambulatory animals.

3. Plant was issued an NR on October 15, 2003 in response to the following incident:

At approximately 1:00 PM there was a Holstein cow in a trailer outside of the inedible room of the establishment. The cow had a 1 cm hole in its forehead from a captive bolt stunner. At 1:10 PM the cow had not been moved and was breathing regularly. An establishment employee tried to re-stun the animal twice but the hand held captive bolt stunner did not fire.

Berry Packing (Crossett, Ark.)^a

1. Plant was issued an NR on January 27, 2005 for inhumane handling of animals during unloading.

2. Inspection was suspended at the plant on April 12, 2005 in response to the following incident:

I observed the driver and a passenger open the gate of the trailer that had four swine inside, one swine on the back of the trailer walked onto the scales, the other swine that

was on the back of the trailer was laying down, the truck driver kicked several times at the swine to get up, the swine squealed a couple of times, the truck driver pulled the back end of the swine up with its tail, the swine hobbled to the other side of the trailer swinging its back left leg and I noticed the right leg was swollen, then the truck driver turned his back to the swine and placed his hands on the side of the trailer and kicked the injured swine hard backwards on its side, the swine squealed several times again. I yelled don't kick the animal it is hurt...

3. Inspection was suspended again at plant on September 16, 2005 for inhumane handling.

Berry & Sons Islamic (Detroit, Mich.)

1. Plant was issued NRs on July 13, 2004, August 20, 2004, August 23, 2004 and August 24, 2003 for failure to provide a ramp between truck and the unloading dock.

2. Plant was issued an NR on August 23, 2004 in response to the following incident:

At approximately 0615 hrs [inspection personnel] observed inhumane handling of the lambs by one of the plant's employees that was pulling, dragging and throwing the animals by the fleece as he unloaded them off the truck. Again at approximately 0915 hrs [inspection personnel] observed another employee pulling, dragging, and throwing animals by the fleece. The animals showed evidence of distress by loudly vocalizing as they were inhumanely handled.

3. Plant was issued an NR on August 27, 2004 for failure to utilize a "Judus Goat" during unloading as agreed to by the establishment after its suspension on August 25, 2004 for inhumane handling.

Bernthal Packing (Frankenmuth, Mich.)

1. Inspection was suspended at the plant on October 28, 2005 in response to the following incident:

At about 0630 [inspection personnel] observed a hog return to consciousness after having been stunned and stuck. The hog was lying in the cradle and all four feet had been removed. The hog was observed to be kicking and shaking its head. It exhibited skin twitching and irregular but rhythmic breathing with deep abdominal and thoracic movement. It appeared to be gasping for breath. This activity was observed to continue for about ten seconds before the hog stopped moving. Although plant employees had ceased dressing procedures, they made no attempt to re-stun the animal.

Black River Custom Packing (Watertown, N.Y.)

1. Inspection was suspended at the plant on December 6, 2001 in response to the following incident:

APPENDICES

I found an Angus steer bleeding from one jugular vein while standing fully conscious in the AM pens without being properly stunned first. An attempt had been made to stun the animal with a captive bolt type stunner but was unsuccessful due to lack of personnel experience and/or restraining facilities at your plant.

2. Inspection was suspended at the plant on March 12, 2002 for use of improper ammunition for stunning.
3. Plant was issued an NR on January 30, 2003 for failure to provide animals with water.

Bob Evans (Hillsdale, Mich.)

1. Plant was issued an NR on January 18, 2002 for insufficient stunning of hogs.
2. Inspection was suspended at the plant on January 29, 2002 for another incident of insufficient stunning, described below:

At approximately 0720 hrs I observed a sow on the skinning bed begin kicking vigorously with the rear legs when the plant employees began the skinning procedure. The plant employees restrained the rear legs and repositioned the sow and skinning bed against the bleeding bed. The sow was restuck, allowed to bleed out, and skinning resumed when the sow ceased movement. At approximately 0940 hrs I observed 4 sows showing signs of consciousness (blinking and regular chewing like motion) while on the bleed table. Employees waited until movement ceased before skinning was started. At approximately 1015 hrs I again observed a sow vigorously kicking after being rolled onto the skinning bed.

Booker Packing Company (Booker, Texas)

1. Plant was issued an NOIE on February 7, 2002 for four NRs written between September 2001 and February 2002 for inhumane handling (two for improper handling of downer cattle and two for failure to provide water to animals in holding pens).
2. Inspection was suspended at the plant on October 17, 2006.

Brawley Beef (Brawley, Calif.)

1. Inspection was suspended at the plant on March 25, 2004 as a result of the following incident:

At approximately 0913 hrs I entered the sticking and bleeding area.... At that time the employee in charge of sticking the cattle noticed my presence and started yelling and looking down the line towards where the feet are removed. The employees down the line at each station all the way to where they start skinning were also yelling. Thinking that something was going on down the line, I walked down to investigate. When I reached the area past where the feet were removed, I noticed that the sticker was still yelling and looking at cattle in front of him. At that time I realized that there may be a conscious animal on the rail. By the time I got back to the sticker I noticed that there was

a conscious animal that had passed through the electrical stimulator.... At this time the sticker ran his blade into the animal and blood poured out. The animal made a movement in reaction to the blade and made one slight attempt to raise its head up. Several attempts were made to use a hand held knocking device to induce unconsciousness. On the second try with the hand held device the animal appeared to be unconscious. It started its reflex action of kicking, and one foot was removed. The line was stopped, because the animal's continued kicking made it difficult for the employees to work on the animal. The establishment felt the animal needed to be knocked again, so it was knocked a third time with the hand held knocking device.

Bristol Beef (Bristol, Conn.)

1. Inspection was suspended at the plant on November 10, 2005 for failure to provide feed to seven pigs held longer than 24 hours.

Calmecco, Inc. (Cal Poly University, Pomona, Calif.)

1. Inspection was suspended at the plant on September 12, 2001 as a result of the following incident:

At approximately 1400 I observed a cow showing arching [off] its back after being stunned.... It was violently arching and twisting for approx 5 min. I told him that this was inhumane and against regulations, the Humane Slaughter Act. At that time I requested that it be restunned ... and before he complied he asked why. I told him and his response was that the [illegible] response was gone, and all cows kick that way. He then complied. I mentioned to him that after the discussion of yesterday, he had assured me that all animals would be properly stunned. When he asked me to examine more downers, I replied that I was shutting down the plant operations. At that time I entered the cooler and noted that there were two heads there that the stun gun holes were not in the right place to properly stun an animal.

2. Plant was issued an NR on October 16, 2001 for failure to separate disabled animals from normal ambulatory animals. NRs were issued for similar incidents on July 17, 2001 and August 31, 2001.

3. Inspection was suspended at the plant on October 24, 2001 as a result of the following incident:

On October 24, 2001 at approximately 1230 hrs, I was in the ante-mortem area and I saw a downer cow chained on its right front leg being dragged out of the truck down to the pen. The chain was being operated by [plant personnel] and a truck driver was there while the cow is being dragged.

Coleman Natural Products (Limon, Colo.)

1. Plant was issued an NR on March 2, 2004 for excessive use of an electric prod to drive cattle to the knocking box.

APPENDICES

2. Plant was issued an NR on March 4, 2004 for having an open drain hole in a holding pen close to the unloading area.

3. Inspection was suspended at the plant on January 6, 2006, July 8, 2006 and November 20, 2006 for humane handling/slaughter violations.

Crescent Slaughterhouse (Detroit, Mich.)

1. Plant was issued two NRs in 2004 for incidents of inhumane slaughter.

2. Inspection was suspended at the plant on May 29, 2005 as a result of the following incident:

At approximately 1015 while performing postmortem inspection on the kill floor, [inspection personnel] heard an animal vocalizing loudly in the stunning area. [Inspection personnel] walked to the stunning area and observed a steer hanging. The steer was conscious as evidenced by vocalizing (bellowing) and it was moving its limbs thrashing about. The inspector observed [plant owner] cut the throat of the conscious steer. After he cut the throat the steer stopped vocalizing and continued to move its limbs. Inspector asked [plant owner] what he was doing and he stated that he had cut the throat of the steer.

3. On July 6, 2006, the FSIS filed a complaint to withdraw inspection service based on the establishment's failure to effectively implement humane handling and slaughtering, intimidation and/or interference with FSIS employees and failure to maintain proper food safety procedures. The establishment entered into a consent decision with the FSIS that contains provisions to ensure compliance with regulatory requirements.

Dakota Pack (Estherville, Iowa)

1. Plant was issued NRs on December 19, 2002 and January 29, 2004 for failure to provide water to animals in holding pens.

2. Plant was issued NRs on December 17, 2002, January 3, 2003 and February 3, 2003 for insufficient stunning. The December 17, 2002 incident is described below:

At approximately 1100 I hea[r]d a pig squealing in the stick pen area. I went to the stick pen and observed a pig (boar) shackled and hoisted but it was still conscious. The pig still had the righting reflex and was trying to bite the plant employee who was sticking the pig.

3. Plant was issued an NR on April 7, 2003 for dragging a conscious, disabled hog by the leg.

Excel (Beardstown, Ill.)

1. Inspection at the plant was suspended on August 26, 2003 as a result of the establishment receiving seven NRs related to humane handling/slaughter since January

2003. Violations included improper stunning procedures (three occasions), improper handling of nonambulatory hogs (two occasions), failure to provide water to animals in the suspect pen, and an incident where an employee attempted to dislodge a hog with his head stuck in a hole of a pen gate by forcefully ramming the animal's head with his foot. In addition, on August 21 and August 23 of 2003, about 1,100 hogs died on the grounds of the plant while they waited to be unloaded from trucks in hot weather.

2. Plant was issued NRs on August 29, 2003 and September 17, 2003 for insufficient stunning and a conscious animal on the rail.

3. Inspection at plant was suspended again on December 4, 2003 for the following incident:

I walked up to the area and observed approximately 6 hogs lying in the area. One hog was dead and the remainder were alive. One hog was in an agonal condition. It was cyanotic as evidenced by skin and mouth parts being a bluish purple color. It was lying on its side with its mouth open gasping for air as it breathed. The dying hog in this area had been left by the first shift supervisors and company employees at the end of their shift. The hogs had no water available to drink.

Excel (Frona, Texas)

1. Inspection was suspended at the plant on August 21, 2003 for an instance of a conscious animal on the bleed rail, described below:

During a tour of the kill floor, I inspected the "stack" of animals stunned and shackled, awaiting sticking. This was just at the end of lunch break, so employees were just returning to the sticking line to begin bleeding cattle. I observed one animal, already shackled and hung, to exhibit signs of consciousness, including rhythmic breathing, righting reflex, and tongue tone.

Farm Fresh Meats (Maricopa, Ariz.)

1. Plant was issued an NR on April 18, 2003 for failure to provide water to animals.

2. Plant was issued at least six NRs for inhumane handling of downed (disabled) animals during 2003. On one occasion (March 12, 2003) downed animals were not separated from ambulatory animals on a transport truck, and on another occasion a downed animal was observed with a cable secured around a front leg with a noticeable skin abrasion beneath. Abrasions were also noted on arriving downer cattle on July 8, 2003, September 17, 2003 and September 22, 2003, which the slaughter plant attributed to prior handling at the dairy operation where the animals originated. On December 29, 2003, the plant was cited for an overcrowded transport trailer containing nine downer cows lying on top of one another. Following this incident the plant indicated it would no longer accept downed animals for slaughter.

3. Inspection was suspended at the plant on August 18, 2006 for inhumane handling/ slaughter violations.

Fresh Pork (Lott, Texas)^a

1. Plant was issued an NOIE on December 10, 2002 for failure to provide hogs in holding pens with access to water on four occasions between March and September 2002, and for driving hogs inhumanely and having a holding pen in poor condition in August 2002.

Fruitland American Meat (Jackson, Mo.)

1. Plant was issued NRs on July 3, 2003, August 11, 2003 and October 10, 2003 for insufficient stunning (multiple knocking) to produce unconsciousness.

2. Plant was issued an NR on January 19, 2004 for failure to provide cattle in pens with access to water.

3. Plant was issued an NOIE on December 22, 2005 for the following incident:

At approximately 1410 a Fruitland employee notified me there was an animal at the south door presented for antemortem inspection. It was a sow on a livestock trailer with a prolapsed uterus. The sow was standing but in obvious distress. I indicated that the sow was to be knocked. The knocking gun was appropriately placed but the sow blinked several times after falling from the knock. The Fruitland employee observed the sow and attempted to administer a second knock. The knocking gun misfired several times. The sow died before the knocking gun functioned properly.

Garner Abattoir & Meat Processing (Van Buren, Ark.)

1. Plant was issued an NOIE on June 24, 2005 for five NRs written between August 2004 and June 2005. Violations included failure to produce immediate unconsciousness with use of a firearm on three occasions, failure to provide water to hogs on one occasion and pens noted to be in need of repair on one occasion.

Gibbon Packing (Gibbon, Neb.)

1. Plant was issued an NOIE on January 30, 2004 for four NRs written between November 2003 and February 2004. Violations included not providing access to water in pens (two instances), overcrowding in pens, excessive use of electric prods and improper stunning of animals.

2. Plant was issued an NR on February 18, 2004 for improper stunning of cattle.

3. Inspection was suspended at the plant on March 10, 2004 as a result of the following incident:

At 1310 hrs I went to the stunning area to observe stunning and bleeding procedures. As I approached the bleeding area, approximately 10 shackled cattle were waiting to be

bled.... The last animal which had been stuck and was bleeding at the time I approached was a large black bull. I noticed this bull breathing and trying to right himself by arching his neck and throwing his head up. The breathing was deep and rhythmical and the tongue was not protruding from the mouth.... The bull tried to right himself every 2-3 seconds while I observed him. There were several plant employees present who observed the actions of the bull but took no corrective actions. I judged the bull to still be alive and conscious at this time.

G P Monroe Provisions (Grayson, Ga.)^a

1. Plant was issued an NR on February 8, 2005 for insufficient stunning of hogs.
2. Plant was issued an NR on June 6, 2005 for insufficient stunning of hogs, as described in the following incident:

While performing post-mortem slaughter inspection duties at approximately 1000 hrs, [inspection personnel] observed plant personnel electrically stunning swine and allowing an extended period of time to pass before sticking was accomplished. Subsequently, several hogs regained consciousness after being stuck. Additionally, he saw one animal being lowered into the scald vat while still obviously conscious; the animal was still kicking.

3. Inspection at the plant was suspended on June 8, 2005 for another incident of insufficient stunning of hogs similar to the above.

Huse Processing (Malone, Texas)

1. Plant was issued an NR on March 13, 2003 for failure to provide water to animals in pens.
2. Plant was issued an NOIE on November 30, 2003 for three NRs written between October 24, 2003 and October 30, 2003 for insufficient stunning and a conscious animal on the rail.
3. Inspection at the plant was suspended on November 25, 2003 for improper stunning of a cow stuck in a drain hole in a back alleyway.
4. Plant was issued an NR on December 1, 2003 for failure to repair a truck ramp, originally identified as in need of repair on November 22, 2003.

Kolob Packing (Burley, Idaho)^a

1. Plant was issued an NR on January 2, 2003 for unsanitary conditions and inhumane treatment of disabled, nonambulatory animals.
2. Plant was issued another NR on October 14, 2003 for inhumane handling of nonambulatory animals, as described by the following report:

At 0930 hrs, plant personnel asked me to perform antemortem inspection on 4 downer dairy cows located on the bed of a truck parked adjacent to the slaughter floor. Six dairy cows were dead and 4 cows were still alive and were tightly squeezed between the dead cows and the sides of the truck bed. [Plant personnel] stated the truck had arrived at 1600 the previous day so these cows had been held on the premises in these conditions for about 17.5 hours. The cows had no access to water and insufficient room to lie down. This represents inhumane handling of livestock.

3. Plant was issued NRs on January 14, 2004 and January 22, 2004 for failure to provide water to cattle, including one cow who had been held on a truck without water for 21 hours.
4. Inspection was suspended at the plant on December 16, 2005 for humane handling/ slaughter violations.
5. On February 27, 2006, the FSIS district office determined Kolob Packing had abandoned inspection services after receiving no response to issuance of a 10-Day Letter for Inactive Operations. Such letters are sent to establishments inactive for more than 120 days that have not communicated an intention to resume operations (see FSIS Notice 25-03).

Lakeview Packing (La Grange, N.C.)

1. Plant was issued NRs on April 18, 2002 and May 17, 2002 for failure to design pens suitable for holding small pigs. In each instance, small pigs became stuck by the head under railing present on the side of the pens. In response to the first citation, the plant agreed to redesign the pens, but failed to adequately address the problem. After the second incident, the plant was notified, "Until your plant has acceptable facilities to accommodate these pigs (50 lbs.) without causing injury, you will not be allowed to hold them for slaughter."
2. Plant was issued an NR on April 24, 2002 for insufficient stunning. On that date, the district veterinary medical specialist observed the stunning, shackling and bleeding of 10 animals, and noted that nine of the 10 were not rendered insensible to pain after stunning.
3. Plant was issued an NR on July 18, 2002 for failure to provide water and sufficient space to animals in holding areas and failure to maintain pens in a condition that prevents injury to animals.
4. Plant was issued an NR on February 4, 2004 for failure to maintain flooring that prevents animals from slipping and falling.
5. Plant was issued NRs on May 16, 2002 and August 18, 2004 for failure to drive animals to the knocking box in a calm and safe manner.

6. Plant was issued an NR on November 5, 2004 for inhumane handling of a downed animal as described below:

While observing plant employees moving pigs to the stunning pen, [inspector] observed two pigs going around a down pig and into the stunning pen. Then the plant employee ran four pigs into the alleyway on top of the down pig. Two pigs of the four were run into the stunning box. After trying to get the down pig up once again and failing he ran the pigs back out of the alleyway.

Martin's Abattoir (Godwin, N.C.)

1. Plant was issued an NR on April, 1 2002 for using paddles on animals in an excessive manner and for using gates to push animals into pens.
2. Plant was issued an NR on May 28, 2002 for dragging a conscious animal with a rope.
3. Plant was issued an NOIE on July 9, 2002 for the two above incidents.
4. Plant was issued an NR on November 25, 2003 for inhumane handling of a disabled, nonambulatory animal.
5. Plant was issued an NR on January 22, 2004 for slippery flooring and failure of personnel to take action to prevent animals from slipping and falling.

Morris Meat Packing Co. (Morris, Ill.)

1. Plant was issued NRs on January 13, 2003 and July 15, 2003 for failure to provide fresh water to animals in holding pens. The July 15, 2003 NR also included a citation for failure to provide adequate space to allow animals to lie and for the presence of sharp projectiles that pose a risk of injury to animals.
2. Plant was issued NRs on January 15, 2003, July 24, 2003 and July 28, 2003 for insufficient stunning.

Nebraska Beef (Omaha, Neb.)

1. Plant was issued an NOIE on May 24, 2005 for 12 NRs written for humane handling/ slaughter violations between December 2004 and June 2005. Violations included conscious animals on the rail (three occasions), failure to provide water in pens (two occasions), high-pressure water sprayed on animals causing discomfort (two occasions), conditions which could potentially lead to slips and falls (two occasions), overcrowding with recumbent animals in pen, equipment in disrepair causing potential for injury, and one incident in which an animal down in an alleyway was repeatedly stepped on by other animals.

P & M Meats (Keymar, M.D.)^a

1. Inspection was suspended at the plant on May 5, 2003 as a result of plant personnel stabbing lambs directly in the heart and severing neck vessels while the animals were still conscious. The decision to suspend the assignment of inspectors at the plant was also based on acts of intimidation, threatening language and use of expletives, derogatory remarks and interference that the president of P & M Meats made against an FSIS employee while carrying out his statutory duties.

2. Plant was issued an NR on September 15, 2003 for an incident where a plant employee restrained a still conscious lamb with his foot while skinning another animal.

3. Plant was issued an NR on September 16, 2003 for insufficient stunning as described below:

It was observed at approximately 0645 hrs that [plant personnel] was slaughtering cattle and started deheading and skinning the head while animal had not been completely bled, was still responsive and not yet dead from the severe anemia of the brain.

4. Plant was issued an NR on February 23, 2004 for failure to provide water to goats in holding pens and on March 29, 2004 for failure to provide water and for overcrowding in pens.

Packerland Packing (Green Bay, Wis.)

1. Plant was issued an NR on November 11, 2002 and December 4, 2003 for failure to repair a broken gate, causing potential risk of injury to animals.

2. Plant was issued an NR on January 20, 2003 for failure to provide water to animals in pens and on July 30, 2003 for failure to provide feed to cattle for at least 72 hours.

3. Inspection was suspended at the plant on February 6, 2006 for an incident of inhumane handling of a cow that became nonambulatory in an alleyway, as described below:

She [an Inspector] notified me that there was an animal down in the alleyway leading to the knocking box area, and that other cattle were being herded over that animal into the knocking box holding area. [The inspector and] I immediately went out to the ante-mortem barn to see what was happening. I saw a beef cow lying in lateral recumbence in the middle of the alleyway; this animal was about twenty feet from the knocking box holding area. I witnessed cattle stepping on this animal, and called out to the barn foreman, to stop and get the cattle away from this downed cow. [Plant personnel] replied that he had killed the cow and he thought it was okay to run the other cattle over its carcass.... I then asked him if he moved any cattle over this animal before he killed it, and he said that yes, he had.... [The inspector] told me that she saw two pens of animals being herded right over this animal while it was alive.

Pease Packing Corporation (Scotts, Mich.)

1. Plant was issued an NOIE on October 26, 2004 for inhumane slaughter conditions documented on NRs written on August 31, 2004 and October 22, 2004. The noncompliances related to effective stunning prior to shackling and hoisting and the design and maintenance of the stunning area.

Petaluma Livestock Auction Yard (Newman, Calif.)^a

1. Plant was issued an NR on January 22, 2004 for using excessive force in unloading and driving calves.

2. Plant was issued NR on March 9, 2005 for improper stunning of calves.

3. Inspection was suspended at the plant on October 7, 2005 as a result of an incident occurring on October 6, 2005, described below:

On 10/6/06 at about 1449 hours [inspection personnel] while working on the inspection station noticed one bob veal calf rhythmically breathing, struggling and conscious while shackled on the rail. She immediately came to the USDA office and notified [inspection personnel].... I noticed that calf was conscious rhythmically breathing, struggling and blinking with wide open eyes. I immediately notified the plant foreman [who] also observed the consciousness of the animal and immediately stuck and bled the animal while it was still alive (conscious) without restunning the animal.

4. The FSIS placed the above suspension in abeyance on October 12, 2005 after receiving a documented plan of corrective actions from the plant. On October 21, 2005, the plant was issued an NR for inhumane handling by an employee dragging a day-old bob veal calf to the stunning area. This incident occurred in the presence of the plant manager.

5. On October 24, 2005, the USDA reinstated the suspension of inspection at the plant as a result of the above incident. On October 28, 2005, the FSIS notified Petaluma that the plant had not adequately addressed humane requirements, and the district office was recommending to the FSIS Office of Field Operations that a formal complaint be issued to withdraw inspection from the establishment.

Randolph Packing (Asheboro, N.C.)

1. Plant was issued NRs on November 11, 2002 and March 13, 2003 for improper handling of disabled, nonambulatory cattle.

2. Plant was issued NRs on January 4, 2003 and April 28, 2003 for failure to provide water to animals in pens.

3. Inspection was suspended at the plant on May 19, 2003 for insufficient stunning of a nonambulatory bull, as described by the following report:

At approximately 0825 [inspection personnel] performed ante-mortem inspection on a downer bull presented for slaughter by a local farmer. The bull was able to struggle out of the trailer and fell into the area adjacent to the nonambulatory door, which is lower than the surrounding parking lot.... The captive bolt gun was heard to discharge. [Inspection personnel] was present on the kill floor when operations resumed at 0845 and saw the shackler motion to the knocker to bring the captive bolt to the area of the bull. [Inspection personnel] stopped the knocker and went to inspect the bull. The bull was in the nonambulatory pit with one captive bolt wound to the head, but was still conscious with respiration and pupillary response.

Saint Croix Abattoir (Saint Croix, Virgin Islands)

1. Inspection was suspended at the plant on March 25, 2004 for improper stunning of an animal, as described below:

While the Inspector was finishing ante-mortem [inspection], plant director came and asked if he could use the stun gun on the sheep. I told him he could use it on the sheep and on the pigs but not on the cow. He said he had added another rubber to it and it should work.... I told him the gun was still rejected for cattle.... I was in my office when I heard the stun gun fired and heard something heavy fall. On looking out I saw that the cow had been stunned with the rejected (for cattle) stun gun and that she was still conscious and breathing normally. I immediately stopped further use of the stun gun and told the plant QC to ... bring a proper gun to dispatch the cow. [Name withheld] arrived with a handgun and fired a total of 4 shots, three of which were correctly located but failed to drop the cow. Further attempts were stopped until [name withheld] came and finally dispatched the cow with the 2nd shot.

S-Bar Packing (Eugene, Ore.)

1. Plant was issued an NR on October 10, 2002 for the following incident:

While performing ante-mortem inspection at approximately 12:30 pm I approached the trailer that was backed up to unload beef. When the trailer door was opened, I observed a beef cow fall out of the trailer and land on the ground. Immediately after, I observed another beef fall out of the trailer and land on the first, then a third beef fell out and landed on the first two, which were laying on the ground. I observed that the portion of the trailer, which these beef fell out of was overcrowded and appeared to not have room for all of the beef, causing the weak cattle to tumble onto the ground when the door was opened.

2. Plant was issued an NR on December 4, 2003 for failure to provide water and covered shelter to a downed (disabled) cow.

3. Plant was issued an NR on May 20, 2006 for failure to render a Holstein cow insensible to pain due to improper placement of a hand-held captive bolt stunner and ineffective detonating charge of the hand stunner.

4. Within a week of receiving NR for the above incident, inspection was suspended at the plant on May 27, 2006 for failure to render a Holstein cow insensible to pain prior to shackling, hoisting and cutting, as described below:

At approximately 0800 hours... I observed the following egregious humane handling deficiency: a Holstein cow that had been shackled and hung, had had the major vessels of the neck severed, and had had both legs dressed was spontaneously blinking. Furthermore, two cows had been stunned, shackled, and begun the bleed-out process after the cow under discussion. I immediately notified the plant employee tasked with humanely stunning animals, that he had failed to render the bovine insensible to pain. This was due to improper placement of the hand stunner (the knocking hole was behind the poll).

5. Within one day of abeyance of suspension for above incident, plant was issued an NR on May 29, 2006 for having a broken loading ramp with freely moveable pieces of concrete. In addition, exposed nails and loose and broken boards were noted in alleyway. Plant was issued a similar NR on May 8, 2006 for failure to adequately maintain holding pens for cattle.

Shapiro Packing Co (Augusta, Ga.)

1. Plant was issued an NR on October 2, 2002 for inhumane handling of a disabled animal, as described below:

While visiting knocking box area at about 1425, I noticed a cow that was split out. The cow was approximately ten feet from the chute which did not allow room for other cattle to go around. When there were not any other cattle in the pen, establishment personnel ran the next lot of cattle in the pen. The split out cow was then stepped on continuously while the cattle came in.

2. Plant was issued an NR on October 15, 2002 for insufficient stunning that led to multiple conscious animals on the bleed rail, as described below:

While observing the humane slaughter process in the sticking area, I noticed at least three cattle resisting sticking, making movement of all 3 legs, twisting neck and head and arching back, trying to avoid pain. Two of these cattle showed vigorous movement even after sticking and electrocution, one of these pulled both legs when the employee tried to cut fore feet.

3. Plant was issued an NR on November 1, 2002 for overcrowding in one holding pen that resulted in two cattle dying and one becoming downed (disabled). The plant appealed the citation, arguing that the pen was overcrowded due to a short kill day on the previous day. The FSIS denied the claim, stating: "Overcrowding cattle in pens is unacceptable regardless of the length of a slaughter day."

4. Plant was issued an NR on November 4, 2002 for insufficient stunning that led to a conscious animal on the bleed rail. Plant had received an NR on October 15, 2002 for

a similar incident, but had failed to take the necessary corrective action, which was to provide the sticker with a backup hand-held knocking device.

5. Plant was issued NRs on May 13, 2002, July 18, 2003 and August 15, 2003 for failure to provide water to cattle in holding pens.

Stagno's Meat Co (Modesto, Calif.)^a

1. Plant was issued an NR on January 3, 2003 for unloading a nonambulatory cow by pulling on a chain secured to one of the animal's legs.

2. Inspection was suspended at the plant on March 6, 2003 for excessive use of force in driving, as described below:

At approximately 1120 hrs...I happened to see the unloading of calf operation in calf pen. I saw the truck driver was pulling the live calves from the trailer; slamming the calves on the ground, then supporting the calves to get up by excessive use of hot shot (some of the calves were falling down again in circles) then walking them towards the brim of the calf pen and kicking them to fly over and land in the pen.

3. Inspection was suspended at the plant on September 18, 2003 for pushing a nonambulatory cow with a forklift.

4. Plant was issued an NOIE on May 17, 2007 and a suspension on May 24, 2007 for food safety and humane slaughter violations. On September 12, 2007, the FSIS filed a complaint to withdraw inspection service based on the company's failure to remove, segregate, and dispose of Specified Risk Materials (SRMs) and "failure to implement food safety system controls to ensure production of wholesome unadulterated meat products."

The Meat Shop (Benson, Vt.)

1. Inspection was suspended at the plant on August 15, 2005 for failure to provide water to animals in holding pens.

The Pork Company (Warsaw, N.C.)

1. Plant was issued an NR on November 2, 2002 for failure to provide water to 57 hogs held in the receiving barn overnight. Similar violations had been recorded at the plant on January 31, 2002 and February 11, 2002.

2. Plant was issued an NR on April 10, 2003 for repeated violation of failure to provide animals in holding areas with access to water.

3. Plant was issued an NR on May 3, 2005 for an "egregious humane handling noncompliance." Inspection was suspended at the plant on May 9, 2006 for another serious incident of inhumane handling, as described by the following report:

Food Inspector observed a plant employee hook the head (a hand held meat hook was drove into the meat above the eye) of a fully conscious hog that had escaped the stunning system and entered the evisceration department. The employee then pulled the hog out from under the head table (the animal was drug across the floor) and then carried the hog back into the kill area.

4. Inspection was suspended again on September 5, 2006 for an additional humane handling/slaughter violation.

Tyson Fresh Meats (Geneseo, Ill.)

1. Plant was issued NRs on December 4, 2002 and December 11, 2002 for similar incidents where animals were held for an extended period on trucks prior to unloading. The December 4, 2002 incident is described below:

At about 0450, while driving to the plant I noticed cattle trucks near the Hwy 92 and railroad track. The line of trucks started from the livestock yards.... The livestock pens were all occupied by cattle and no pens were empty to unload the cattle from the trucks. I asked the yard employee, "How long the trucks were sitting in the parking lot to be unloaded"? He answered, "Since 2100 last night." It means that these 24 trucks of cattle were waiting to be unloaded for about 9 hours. It was 15 degrees F temperature outside. All the cattle in 24 trucks had no access to water for about 9 hours. They didn't have enough room on the trucks to sit down to take rest.

2. Plant was issued an NR on April 3, 2003 for failure to provide water to 40 head of cattle in pens. Plant was also issued an NR on October 28, 2003 for slippery flooring conditions at the unloading dock, causing about 40 percent of cattle to slip and 25 percent to fall.

3. Plant was issued NRs on January 28, 2003, May 27, 2003, December 16, 2003 and December 23, 2003 for similar incidents in which the heads of cattle became stuck between metal bars and the floor in the holding pens. The penultimate incident is described below:

I was performing ante-mortem inspection at about 0500, when I noticed one animal's head caught between a metal bar and the floor in the pen #9A.... There was frothing from the mouth of the animal in an area of about 12x8 inches. The animal was struggling to free its head, but was unsuccessful. [Plant personnel] tried to free the animal's head by pushing with their feet, but it failed too. At this point they used a Bobcat machine to bend the metal bar upward and the animal's head was freed.

Walt's Wholesale Meats (Woodland, Wash.)

1. Plant was issued NRs on several occasions during 2002 and 2003, including December 10, 2002, January 22, 2003 and August 28, 2003, for crowding of holding pens and/or inhumane handling of downed (disabled) animals. The December 10, 2002 incident is described in the following report:

At approximately 0515, while performing ante-mortem inspection, inspection personnel observed in the first pen on the left approximately 27 cows crowded in the pen. In this pen there were also 2 downer cows which were being trampled and stood on. In the first pen on the right inspection personnel counted approximately 24 cows crowded into the pen. And in the outside pen on the south end there was approximately 40 cows crowded into the pen. In these pens, the cattle were crowded shoulder to shoulder with no room to lie down. According to plant management there was 220 head of cattle total in the pens.

2. Plant was issued an NR on September 3, 2003 for cattle slipping and falling due to worn grooves in the concrete alleyway. Inspector issuing the citation noted: "Cattle slipping in the alleyway has been observed every day during ante-mortem and is an ongoing problem at this establishment." On this date, plant was also cited for having a downer cow with her head stuck in the bars of a gate. Plant employees had attempted to free the animal by kicking her in the head and shocking her with an electrical prod numerous times.

3. Plant was issued an NR on January 15, 2004 for failure to provide water to animals in pens.

West Michigan Beef Co. (Hudsonville, Mich.)

1. Plant was issued NRs on October 16, 2002 and December 23, 2003 for failure to provide animals in holding pens with water.

2. Plant was issued NRs on October 21, 2002 and May 24, 2003 for dragging live downer cattle. The plant appealed the first citation, claiming that at the time of the incident the sun had not yet risen and the inspectors were not able to see clearly. The FSIS responded that the ante-mortem area was adequately lighted and denied the appeal.

3. Plant was issued an NR on December 18, 2003 for ineffective stunning, as described below:

At 1420 while returning from the downer shed, [inspection personnel] observed a plant employee applying a second blow to two veal calves with the air gun. Both calves were conscious and had bloody marks on their foreheads from where the first stun had been applied. When the second stun was applied, one calf was still attempting to stand and other calf was still blinking and had a strong corneal reflex. A third calf was also observed to be blinking and looking around after the initial stun. The employee took the air gun to apply a third stun which [inspection personnel] stopped and required the mechanical captive bolt to be used. While it was being retrieved, a fourth calf was observed to raise its head and was blinking and looking around. The employee effectively used the mechanical captive bolt to render insensible the affected calves.

Williamsburg Packing (Kingstree, S.C.)

1. Plant was issued NRs on January 14, 2004, February 20, 2004 and February 24, 2004 for insufficient stunning.

2. Plant was issued an NR on February 25, 2004 for dragging a conscious downed hog. Although the plant had a policy of not accepting downed animals, it did not have suitable equipment to move conscious animals becoming injured while in the plant holding facilities.

3. Plant was issued an NR on March 23, 2004 for an incident of inhumane handling, as described below:

At approximately 0825 hrs while performing ante-mortem inspection, I observed plant employees rinsing down a pen with hogs in it with 155 degree hot water. The employee was screaming, telling the hogs, "holler; holler." The hogs were screaming and crowding into the corner, trying to get away from the hot water. I then told the employee to stop and sent another employee to get the manager.... Discussions have been held with management on previous occasion concerning the use of hot water when hogs are in the pens.

Notes

^a Plant now out of business, has voluntarily withdrawn from federal inspection or has had inspection services withdrawn by the FSIS.

Appendix D: Excerpts from State Anti-Cruelty Statutes

Statutes Exempting Accepted Agricultural Practices:

Alaska

Section 11.61.140. Cruelty to animals

(b) It is a defense to a prosecution under (a)(1) or (2) of this section that the conduct of the defendant

(1) conformed to accepted veterinary or animal husbandry practice ...

(c) In this section, "animal" means a vertebrate living creature not a human being, but does not include fish.

Arizona

Section 13-2910. Cruelty to animals

C. This section does not prohibit or restrict:

2. Activities permitted by or pursuant to title 3 [Agriculture] ...

H. For the purposes of this section:

1. "Animal" means a mammal, bird, reptile or amphibian.

Connecticut

Section 53-247 Cruelty to animals; fighting animals; intentional killing of police animal

(b) ... The provisions of this subsection shall not apply to any licensed veterinarian while following accepted standards of practice of the profession or to any person while following approved methods of slaughter under section 22-272a [emphasis added], while performing medical research as an employee of, student in or person associated with any hospital, educational institution or laboratory, *while following generally accepted agricultural practices* [emphasis added] or while lawfully engaged in the taking of wildlife.

Georgia

Section 16-12-4 Cruelty to animals

(a) As used in this Code section, the term:

(1) "Animal shall not include any fish nor shall such term include any pest that might be exterminated or removed from a business, residence, or other structure...

(e) The provisions of this Code section shall not be construed as prohibiting conduct which is otherwise permitted under the laws of this state or of the United States, including, but not limited to, *agricultural, animal husbandry* [emphasis added], butchering, food processing, marketing, scientific, research, medical, zoological, exhibition, competitive, hunting, trapping, fishing, wildlife management, or pest control practices or the authorized practice of veterinary medicine nor to limit in any way the authority or duty of the Department of Agriculture, Department of Natural Resources, any county board of health, any law enforcement officer, dog, animal, or rabies control officer, humane society, veterinarian, or private landowner protecting his or her property.

Idaho

Section 25-3514 Cruelty to animals

No part of this chapter shall be construed as interfering with or allowing interference with:

(5) Normal or accepted practices of animal identification and animal husbandry;

Indiana

Section 35-46-3-12 Cruelty to an animal – Intentionally beating an animal

(c) It is a defense to a prosecution under this section that the accused person:

(2) engaged in a reasonable and recognized act of training, handling, or disciplining the vertebrate animal.

Iowa

Section 717B.3A Animal torture

2. This section shall not apply to any of the following:

c. A person carrying out a practice that is consistent with animal husbandry practices.

Kansas

Section 21-4310 Cruelty to animals

(b) The provisions of this section shall not apply to:

(6) with respect to farm animals, normal or accepted practices of animal husbandry;

Kentucky

Section 525.130 Cruelty to animals in the second degree – Exemptions

(2) Nothing in this section shall apply to the killing of animals:

(d) For veterinary, agricultural, spaying or neutering, or cosmetic purposes;

Maine

Section 17:1031 Cruelty to animals

5. Exception. ... This section may not be construed to prohibit the disposal of farm animals using an acceptable animal husbandry practice.

Michigan

Section 750.50 Cruelty to animals

(8) This section does not prohibit the lawful killing or other use of an animal, including, but not limited to, the following:

(f) Farming or a generally accepted animal husbandry or farming practice involving livestock.

Missouri

Section 578.007 Miscellaneous offenses – acts and facilities to which sections 578.005 to 578.023 do not apply

(8) With respect to farm animals, normal or accepted practices of animal husbandry;

Montana

Section 45-8-211 Cruelty to animals – exceptions

(4) This section does not prohibit:

(b) the use of commonly accepted agricultural and livestock practices on livestock;

Oregon

Chapter 167. Offenses against public health, decency and animals

167.310 Definitions

As used in ORS 167.310 to 167.350:

(3) “Good animal husbandry” includes, but is not limited to, the dehorning of cattle, the docking of horses, sheep or swine, and the castration or neutering of livestock, according to accepted practices of veterinary medicine or animal husbandry.

167.335 Exemption from ORS 167.315 to 167.333. Unless gross negligence can be shown, the provisions of ORS 167.315 to 167.333 do not apply to:

(4) Animals subject to good animal husbandry practices;

Pennsylvania

Section 18-5511 Cruelty to animals

(c) ... This subsection shall not apply to activity undertaken in normal agricultural operation.

South Carolina

Section 47-1-40 Ill-treatment of animals generally

(c) This section *does not apply to fowl, accepted husbandry practices of farm operations* [emphasis added] and the training of animals, the practice of veterinary medicine, *agricultural practices* [emphasis added], forestry and silvacultural practices, wildlife management practices, or activity authorized by Title 50.

Tennessee

Section 39-14-202 Cruelty to animals

(e)(1) Nothing in this section shall be construed as prohibiting the owner of a farm animal or someone acting with the consent of the owner of such animal from engaging in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to such animal.

Texas

Section 42.09 Cruelty to animals

(h) It is a defense to prosecution under this section that the conduct engaged in by the actor is a generally accepted and otherwise lawful:

- (2) animal husbandry or farming practice involving livestock.

Utah

Section 76-9-301 Cruelty to animals

(11) As used in this section:

- (b) (i) "Animal" means a live, nonhuman vertebrate creature.
- (ii) "Animal" does not include animals kept or owned for agricultural purposes and cared for in accordance with accepted husbandry practices, animals used for rodeo purposes, and does not include protected and unprotected wildlife as defined in Section 23-13-2.

Vermont

Section 13:352 Cruelty to animals

A person commits the crime of cruelty to animals if the person:

(3) ties, tethers, or restrains an animal, either a pet or livestock, in a manner that is inhumane or is detrimental to its welfare. Livestock and poultry husbandry practices are exempted.

West Virginia

Section 61-8-19 Cruelty to animals; penalties; exclusions

(f) The provisions of this section do not apply to lawful acts of hunting, fishing, trapping or animal training *or farm livestock, poultry, gaming fowl or wildlife kept in private or licensed game farms if kept and maintained according to usual and accepted standards of livestock, poultry, gaming fowl or wildlife or game farm production and management* [emphasis added], nor to humane use of animals or activities regulated under and in conformity with the provisions of 7 U.S.C. 2131, *et seq.* [Federal Animal Welfare Act], and the regulations promulgated thereunder, as both statutes and regulations are in effect on the effective date of this section.

Wyoming

Section 6-3-203 Cruelty to animals; penalties; limitation on manner of destruction
(m) Nothing in subsection (a), (b) or (n) of this section shall be construed to prohibit:
(ii) The use of industry accepted agricultural and livestock practices on livestock;

Statutes Exempting Slaughter by Approved Methods:

Connecticut

Section 53-247 Cruelty to animals; fighting animals; intentional killing of police animal
(b) ... The provisions of this subsection shall not apply to any licensed veterinarian while following accepted standards of practice of the profession *or to any person while following approved methods of slaughter under section 22-272a* [emphasis added], while performing medical research as an employee of, student in or person associated with any hospital, educational institution or laboratory, while following generally accepted agricultural practices or while lawfully engaged in the taking of wildlife.

Delaware

Section 1325 Cruelty to animals; class A misdemeanor; class F felony
(a) For the purpose of this section, the following words and phrases shall include, but not be limited to, the meanings respectively ascribed to them as follows:
(11) "Animal" shall not include fish, crustacea or molluska...
(b) A person is guilty of cruelty to animals when the person intentionally or recklessly:
(4) Cruelly or unnecessarily kills or injures any animal whether belonging to the actor or another. *This section does not apply to the killing of any animal normally or commonly raised for food for human consumption, provided that such killing is not cruel* [emphasis added]. A person acts unnecessarily if the act is not required to terminate an animal's suffering, to protect the life or property of the actor or another person or if other means of disposing of an animal exist which would not impair the health or well-being of that animal;

Idaho

Section 25-3514 Cruelty to animals
No part of this chapter shall be construed as interfering with or allowing interference with:
(2) The humane slaughter of any animal normally and commonly raised for food or for production of fiber;

Oregon

Chapter 167. Offenses against public health, decency and animals
167.335 Exemption from ORS 167.315 to 167.333. Unless gross negligence can be shown, the provisions of ORS 167.315 to 167.333 do not apply to:
(5) The killing of livestock according to the provisions of ORS 603.065 [state humane slaughter law];

South Dakota

Section 40-1-2.4 Inhumane treatment defined

For the purposes of this chapter and chapter 40-2, the inhumane treatment of an animal is any act of mistreatment, torture, cruelty, neglect, abandonment, mutilation or *inhumane slaughter of an animal that is not consistent with generally accepted training, use and husbandry procedures for the species, breed, physical condition and type of animal* [emphasis added].

Statutes Exempting Slaughter Generally:

Georgia

Section 16-12-4 Cruelty to animals

(a) As used in this Code section, the term:

(1) “Animal” shall not include any fish nor shall such term include any pest that might be exterminated or removed from a business, residence, or other structure...

(e) The provisions of this Code section shall not be construed as prohibiting conduct which is otherwise permitted under the laws of this state or of the United States, including, but not limited to, agricultural, animal husbandry, *butchering* [emphasis added], food processing, marketing, scientific, research, medical, zoological, exhibition, competitive, hunting, trapping, fishing, wildlife management, or pest control practices or the authorized practice of veterinary medicine nor to limit in any way the authority or duty of the Department of Agriculture, Department of Natural Resources, any county board of health, any law enforcement officer, dog, animal, or rabies control officer, humane society, veterinarian, or private landowner protecting his or her property.

Illinois

Section 510 ILCS 70/3.03 Animal torture

(b) For the purposes of this Section, “animal torture” does not include any death, harm, or injury caused to any animal by any of the following activities:

(3) any alteration or destruction of any animal by any person for any legitimate purpose, including, but not limited to: castration, culling declawing, defanging, ear cropping, euthanasia, gelding, grooming, neutering, polling, shearing, shoeing, *slaughtering* [emphasis added], spaying, tail docking, and vivisection; and

(4) any other activity that may be lawfully done to an animal.

Kentucky

Section 525.130 Cruelty to animals in the second degree – Exemptions

(2) Nothing in this section shall apply to the killing of animals:

(b) Incident to the processing as food or for other commercial purposes;

North Carolina

Section 14-360 Cruelty to animals; construction of section

(c) ... As used in this section, the term “animal” includes every living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia except human beings. However, this section shall not apply to the following activities:

(2a) Lawful activities conducted for the primary purposes of providing food for human or animal consumption.

Rhode Island

Section 4-1-5 Malicious injury to or killing of animals

(b) This section shall not apply to licensed hunters during hunting season or a licensed business killing animals for human consumption.

Appendix E: Federally Inspected Plants Cited for Humane Violations

October 1, 2002 to March 31, 2004

| Name | Location | Est # ¹ | Dist ² | # NR ³ | # Viol ⁴ | Susp ⁵ |
|--------------------------|-----------------|--------------------|-------------------|-------------------|---------------------|-------------------|
| 4-L Processing Inc. | Coma, TX | 19789 | 40 | 1 | 1 | No |
| A&W Country Meats Inc. | Taneytown, MD | 10801 | 75 | 1 | 1 | No |
| Adams Farms | Athol, MA | 05497 | 65 | 1 | 1 | No |
| Al-Marwa LLC | Quakertown, PA | 09672 | 60 | 1 | 1 | No |
| Alewel's Country Meats | Warrensburg, MO | 05766 | 30 | 1 | 1 | No |
| Ali International Inc. | Orlando, FL | 11113 | 85 | 1 | 1 | No |
| Alma Freezer Company | St Louis, MO | 10081 | 30 | 3 | 3 | No |
| American Halal Meat Inc. | Newark, NJ | 20403 | 60 | 2 | 4 | No |
| AVCO Meat Co Inc. | Gadsden, AL | 09131 | 90 | 1 | 2 | Yes x 1 |
| Beall's Packing House | Bonifay, FL | 11189 | 85 | 1 | 1 | No |
| Ben-Lee Processing Inc. | Atwood, KS | 02366 | 30 | 2 | 4 | No |
| Benton Packing Company | Benton, AR | 10629 | 35 | 5 | 9 | No |
| Big Dog Meats LLC | West Haven, CT | 05297 | 65 | 1 | 1 | No |

CRIMES WITHOUT CONSEQUENCES

| Name | Location | Est #¹ | Dist² | # NR³ | # Viol⁴ | Susp⁵ |
|-------------------------|-------------------|--------------------------|-------------------------|-------------------------|---------------------------|-------------------------|
| Black River Custom Pack | Oneonata, NY | 04728 | 65 | 1 | 1 | No |
| Bob Evans Farms Inc. | Hillsdale, MI | 00952 | 45 | 2 | 2 | No |
| Bond's Meats Inc. | West Valley, NY | 04471 | 65 | 1 | 1 | No |
| Bradley's Country Store | Tallahassee, FL | 11111 | 85 | 1 | 1 | No |
| Brawley Beef | Brawley, CA | 21488 | 5 | 1 | 2 | Yes x 1 |
| Brenneman's Meats | Huntingdon, PA | 08498 | 60 | 1 | 1 | No |
| Brothers Quality Inc. | Stafford Spgs, CT | 21183 | 65 | 1 | 1 | No |
| Brown Packing Co. | South Holland, IL | 00167 | 50 | 2 | 2 | No |
| C&C Processing Inc. | Diller, NE | 21480 | 25 | 1 | 1 | No |
| Calihan Pork Processors | Peoria, IL | 06775 | 50 | 1 | 1 | No |
| Cargill Meat Solutions | Beardstown, IL | 00085B | 50 | 10 | 11 | Yes x 2 |
| Cargill Meat Solutions | Friona, TX | 00086E | 40 | 1 | 1 | Yes x 1 |
| Cargill Taylor Beef | Wyalusing, PA | 09400 | 60 | 1 | 1 | No |
| Catelli Brothers Inc. | Shrewsbury, NJ | 01809A | 60 | 2 | 2 | No |
| Central Dakota Beef LLC | Harvey, ND | 21373 | 20 | 1 | 2 | No |
| Chaudhry Meat Co Inc. | Staley, NC | 19697 | 80 | 2 | 2 | No |
| Clougherty Packing Co. | Vernon, CA | 00360 | 5 | 2 | 2 | No |

APPENDICES

| Name | Location | Est #¹ | Dist² | # NR³ | # Viol⁴ | Susp⁵ |
|--------------------------|-------------------|--------------------------|-------------------------|-------------------------|---------------------------|-------------------------|
| Coleman Natural Products | Childress, TX | 13228 | 40 | 2 | 2 | No |
| Colorado Homestead | Cedaredge, CO | 07748 | 15 | 1 | 1 | No |
| Confers Slaughtehouse | New Lothrop, MI | 10217 | 45 | 1 | 2 | No |
| Corbin 4 Point Packing | Chipley, FL | 11192 | 85 | 2 | 2 | No |
| Crescent Slaughterhouse | Detroit, MI | 21527 | 45 | 1 | 2 | No |
| C Roy Inc. | Yale, MI | 10114 | 45 | 2 | 2 | No |
| Dakota Pack Inc. | Estherville, IA | 21898 | 25 | 6 | 6 | No |
| Dakota Premium Foods | South St Paul, MN | 00357 | 20 | 1 | 1 | No |
| Dayton Meat Company | Dayton, OH | 09230 | 50 | 1 | 1 | No |
| Deutschland Meats Inc. | Sanborn, MN | 20560 | 20 | 2 | 7 | No |
| Dickinson & Son Packing | Eighty Four, PA | 19455 | 60 | 1 | 1 | No |
| Dorsey Meats Inc. | Woodsboro, MD | 10790 | 75 | 1 | 1 | No |
| Eastern NY Correctional | Napanoch, NY | 08872 | 65 | 1 | 1 | No |
| Ellensburg Lamb Co. | Dixon, CA | 02800 | 5 | 1 | 1 | No |
| Emmpak Foods Inc. | Milwaukee, WI | 17690 | 45 | 2 | 2 | No |
| Espey's Meat Market | Scottsdale, PA | 09482 | 60 | 1 | 1 | No |
| Farm Fresh Meats Inc. | Maricopa, AZ | 19883 | 15 | 7 | 7 | No |

CRIMES WITHOUT CONSEQUENCES

| Name | Location | Est #¹ | Dist² | # NR³ | # Viol⁴ | Susp⁵ |
|---------------------------|-------------------|--------------------------|-------------------------|-------------------------|---------------------------|-------------------------|
| Farmland Foods Inc. | Denison, IA | 00717 | 25 | 2 | 2 | No |
| Farmland Foods Inc. | Crete, NE | 00717CR | 25 | 1 | 1 | No |
| Fenton Meats | Marion Center, PA | 09847 | 60 | 1 | 2 | No |
| Flowers Slaughter House | Sims, NC | 21747 | 80 | 1 | 1 | No |
| Ford Bros. Wholesale Meat | Ashford Hillw, NY | 04625 | 65 | 3 | 3 | No |
| Forrest Meats Inc. | Forrest, IL | 21188 | 50 | 1 | 1 | No |
| Forster's Meat Center | Glencoe, MN | 02522 | 20 | 1 | 1 | No |
| Fruitland American Meat | Jackson, MO | 02316 | 30 | 5 | 7 | No |
| G&C Packing Co. | Colorado Spgs, CO | 02262 | 15 | 1 | 1 | No |
| Geneva Meats & Process | Geneva, MN | 08979 | 20 | 1 | 1 | No |
| George's Meats | Danville, PA | 09590 | 60 | 1 | 1 | No |
| Geukes Market LLC | Middleville, MI | 10202 | 45 | 1 | 1 | No |
| Gibbon Packing LLC | Gibbon, NE | 05511 | 25 | 4 | 5 | Yes x 1 |
| Gorditos Meats | Ogden, UT | 20017 | 15 | 1 | 1 | No |
| Goss & Son Meat Co. | Romance, AR | 13532 | 35 | 1 | 1 | No |
| Greater Omaha Packing | Omaha, NE | 00960 | 25 | 1 | 1 | No |
| Greenwood Packing | Greenwood, SC | 00242 | 80 | 1 | 2 | No |

APPENDICES

| Name | Location | Est #¹ | Dist² | # NR³ | # Viol⁴ | Susp⁵ |
|--------------------------|-------------------|--------------------------|-------------------------|-------------------------|---------------------------|-------------------------|
| H&B Packing Co. Inc. | Waco, TX | 13054 | 40 | 1 | 1 | No |
| H&P Meats | So Pittsburgh, TN | 21352 | 90 | 2 | 2 | No |
| Halal Farms USA Inc. | Shannon, IL | 20263 | 50 | 3 | 4 | No |
| Hampton Meat Processing | Decatur, TN | 19716 | 90 | 2 | 2 | No |
| Hatfield Smoked Meats | Neosho, MO | 13135 | 30 | 1 | 1 | No |
| Hawaii Livestock Coop | Kapolei, HI | 06208 | 15 | 2 | 2 | No |
| Hirsch's Meats | Kossuth, PA | 08636 | 60 | 1 | 1 | No |
| Hormel Foods Corp. | Fremont, NE | 00199N | 25 | 1 | 1 | No |
| Huse's Processing Inc. | Malone, TX | 13445 | 40 | 6 | 6 | Yes x 1 |
| Independence Custom | Independence, OR | 09273 | 15 | 2 | 2 | No |
| Independent Meat Co. | Twin Falls, ID | 00226 | 15 | 3 | 3 | No |
| Indiana Packers Corp. | Delphi, IN | 17564 | 50 | 2 | 2 | No |
| Island Grown Farmers Co. | Bow, WA | 21700A | 15 | 1 | 1 | No |
| Jamison Packing Co. | Bradenville, PA | 09958 | 60 | 1 | 1 | No |
| Jerry Hayes Meats Inc. | Newark Villy, NY | 04488 | 65 | 1 | 1 | No |
| Jim Simon Meats | Alden, NY | 04285 | 65 | 1 | 2 | No |
| Jim's Farm Meat | Atwater, CA | 06113 | 5 | 3 | 3 | No |

CRIMES WITHOUT CONSEQUENCES

| Name | Location | Est #¹ | Dist² | # NR³ | # Viol⁴ | Susp⁵ |
|---------------------------|------------------|--------------------------|-------------------------|-------------------------|---------------------------|-------------------------|
| JJ Meat Company | Madera, CA | 04969 | 5 | 1 | 1 | No |
| Jnb Inc. | Sioux Center, IA | 20863 | 25 | 1 | 1 | No |
| John Morrell & Co. | Sioux Falls, SD | 00017D | 20 | 2 | 4 | No |
| John Morrell & Co. | Sioux City, IA | 05804 | 25 | 4 | 4 | No |
| Johnsonville Sausage | Watertown, WI | 01962 | 45 | 2 | 2 | No |
| Johnston's Meat | Peck, MI | 10110 | 45 | 1 | 1 | No |
| Joines Meat Processing | Chilhowie, VA | 21703 | 75 | 1 | 2 | No |
| Jones Butcher & Meat | Saranac, MI | 10176 | 45 | 1 | 2 | No |
| Josef Meiler Slaughter | Pine Plains, NY | 04477 | 65 | 1 | 2 | No |
| JW Treuth & Sons Inc. | Baltimore, MD | 02612 | 75 | 1 | 2 | No |
| K&C Meat Processing | Navasota, TX | 13324 | 40 | 2 | 2 | No |
| Kamery's Wholesale Meat | Olean, NY | 04470 | 65 | 2 | 2 | No |
| Kansas State University | Manhattan, KS | 00694 | 30 | 1 | 1 | No |
| Kelley Meats | Taberg, NY | 04482 | 65 | 1 | 1 | No |
| Kolob Packing LLC | Burley, ID | 19610 | 15 | 4 | 7 | No |
| L&H Packing Co. | San Antonio, TX | 02239 | 40 | 1 | 1 | No |
| Lakeview Packing Co. Inc. | La Grange, NC | 09166 | 80 | 1 | 1 | No |

APPENDICES

| Name | Location | Est #¹ | Dist² | # NR³ | # Viol⁴ | Susp⁵ |
|--------------------------|------------------|--------------------------|-------------------------|-------------------------|---------------------------|-------------------------|
| Lambert Meat Lab | Auburn Univ, AL | 00071 | 90 | 1 | 1 | No |
| Lemay & Sons Beef | Goffstown, NH | 09542 | 65 | 1 | 1 | No |
| Lewis A Ives | Fulton, NY | 04422 | 65 | 2 | 2 | No |
| Long Prairie Packing Co. | Long Prairie, MN | 00253 | 20 | 2 | 2 | No |
| Los Banos Abattoir | Los Banos, CA | 00400 | 5 | 1 | 1 | No |
| Luciani's Foods | Folcroft, PA | 09777 | 60 | 1 | 1 | No |
| M&M Meats Inc. | Perryville, MO | 02946 | 30 | 3 | 3 | No |
| Mariah Foods | Columbus, IN | 00320M | 50 | 2 | 2 | No |
| Martin's Abattoir | Godwin, NC | 06547 | 80 | 2 | 3 | No |
| Martin's Pork Products | Falcon, NC | 06720 | 80 | 1 | 1 | No |
| Matkins Meat Processors | Gibsonville, NC | 07975 | 80 | 1 | 1 | No |
| Meadowbrook Farms Co. | Rantoul, IL | 31559 | 50 | 1 | 1 | No |
| Meat & Fisheries Process | Cobleskill, NY | 04266 | 65 | 4 | 4 | No |
| Messina Slaughter House | Orland, CA | 19169 | 5 | 1 | 2 | No |
| Meyers Meats | York, PA | 09565 | 60 | 1 | 1 | No |
| Mickelsen Packing Inc. | Blackfoot, ID | 11070 | 15 | 1 | 1 | No |
| Miltona Custom Meats | Miltona, MN | 15768 | 20 | 2 | 2 | No |

CRIMES WITHOUT CONSEQUENCES

| Name | Location | Est #¹ | Dist² | # NR³ | # Viol⁴ | Susp⁵ |
|---------------------------|------------------|--------------------------|-------------------------|-------------------------|---------------------------|-------------------------|
| Minnesota Beef Industries | Buffalo Lake, MN | 17466 | 20 | 4 | 4 | No |
| Morris Meat Packing Co. | Morris, IL | 18229 | 50 | 5 | 7 | No |
| Mountain Meat | Fruita, CO | 04979 | 15 | 1 | 2 | No |
| Moyer Packing Co. | Souderton, PA | 01311 | 60 | 1 | 2 | No |
| Mt Angel Meat Company | Mt Angel, OR | 09270 | 15 | 1 | 1 | No |
| Myers Brothers | Spring Mills, PA | 09469 | 60 | 1 | 1 | No |
| Nettles Sausage Inc. | Lake City, FL | 11159 | 85 | 2 | 2 | No |
| Niblock's Pack Products | Salem, NJ | 05900 | 60 | 1 | 1 | No |
| Nicholas Meats LLC | Belleville, PA | 04465 | 60 | 1 | 1 | No |
| Noor Halal Meats Dist. | Imler, PA | 08616 | 60 | 1 | 2 | No |
| North American Bison | New Rockford, ND | 18859 | 20 | 1 | 2 | No |
| Northwest Premium Meats | Nampa, ID | 11032 | 15 | 1 | 3 | No |
| NS Troutman & Sons | Freeburg, PA | 09832 | 60 | 1 | 1 | No |
| Odom's Tennessee Pride | Little Rock, AR | 06544A | 35 | 3 | 4 | No |
| Olson Meat Company | Orland, CA | 21799 | 5 | 3 | 3 | No |
| Owasco Meat Co. Inc. | Moravia, NY | 04532 | 65 | 1 | 2 | No |
| Ozark Mountain Pork Co. | Mt View, MO | 21148 | 30 | 2 | 2 | No |

APPENDICES

| Name | Location | Est #¹ | Dist² | # NR³ | # Viol⁴ | Susp⁵ |
|---------------------------|-----------------|--------------------------|-------------------------|-------------------------|---------------------------|-------------------------|
| P&N Packing Inc. | Wyalusing, PA | 04763 | 60 | 1 | 1 | No |
| Packerland Packing Co. | Green Bay, WI | 00562 | 45 | 4 | 4 | No |
| Packerland Packing Co. | Plainwell, MI | 00562M | 45 | 3 | 3 | No |
| Pecos Valley Meat Co. | Roswell, NM | 07299 | 15 | 1 | 1 | No |
| Peoria Packing | Grant Park, IL | 21651 | 50 | 2 | 2 | No |
| Petaluma Livestock | Newman, CA | 27300 | 5 | 1 | 1 | No |
| Pine Ridge Farms LLC | Des Moines, IA | 00760 | 25 | 1 | 1 | No |
| PM Beef Holdings LLC | Windom, MN | 00683 | 20 | 1 | 1 | No |
| Pork King Packing Inc. | Marengo, IL | 02926 | 50 | 1 | 1 | No |
| Premium Red Meats | Oakley, KS | 20641 | 30 | 1 | 1 | No |
| Pte Hca Ka Inc. | Gettysburg, SD | 21744 | 20 | 1 | 1 | No |
| Quality Pork Processors | Austin, MN | 01620 | 20 | 1 | 1 | No |
| Quistorff Enterprise | Osakis, MN | 05633 | 20 | 1 | 2 | No |
| R&D Custom Slaughter | Dunlap, TN | 27364 | 90 | 1 | 1 | No |
| Ranchland Pack Inc. | Butte, MT | 02439 | 20 | 6 | 6 | No |
| Rancho Feeding Corp. | Petaluma, CA | 00527 | 5 | 1 | 1 | No |
| Randolph Packing Co. Inc. | Asheboro, NC | 06590 | 80 | 5 | 5 | Yes x 1 |

CRIMES WITHOUT CONSEQUENCES

| Name | Location | Est #¹ | Dist² | # NR³ | # Viol⁴ | Susp⁵ |
|-----------------------------|-----------------|--------------------------|-------------------------|-------------------------|---------------------------|-------------------------|
| Rocheleau Meats Inc. | Cheboygan, MI | 10297 | 45 | 1 | 1 | No |
| R Four Meats | Chatfield, MN | 08971 | 20 | 1 | 1 | No |
| Roman Packing Co. Inc. | Norfolk, NE | 05662 | 25 | 1 | 1 | No |
| Russell Meat Packing Inc. | Castlewood, VA | 04789 | 75 | 1 | 1 | No |
| Ruwaldt Packing Co. | Hobart, IN | 05502 | 50 | 1 | 1 | No |
| Saint Croix Abattoir | Saint Croix, VI | 00482 | 85 | 1 | 1 | Yes x 1 |
| Salem Packing Co. Inc. | Salem, NJ | 05425 | 60 | 1 | 2 | No |
| S-Bar Packing LLC | Eugene, OR | 00497 | 15 | 2 | 2 | No |
| Schubert's Packing Co. Inc. | Millstadt, IL | 05659 | 50 | 1 | 1 | No |
| Seaboard Foods LLC | Guymon, OK | 13597 | 35 | 1 | 1 | No |
| Seabrite Corporation | Doyleburg, PA | 09846A | 60 | 1 | 1 | No |
| Select Meats Inc. | Kannapolis, NC | 10757 | 80 | 1 | 1 | No |
| Sessoms Packing | Ahoskie, NC | 19922 | 80 | 2 | 2 | No |
| Shapiro Packing Co. | Augusta, GA | 00332 | 85 | 7 | 7 | No |
| Sharon Beef | Sharon, VT | 08844 | 65 | 1 | 1 | No |
| Shirk's Meats | Dundee, NY | 18894 | 65 | 1 | 3 | No |
| Shuff's Meats Inc. | Thurmont, MD | 10808 | 75 | 5 | 5 | No |

APPENDICES

| Name | Location | Est #¹ | Dist² | # NR³ | # Viol⁴ | Susp⁵ |
|-----------------------------|------------------|--------------------------|-------------------------|-------------------------|---------------------------|-------------------------|
| Sioux-Preme Packing Co. | Sioux Center, IA | 05537 | 25 | 1 | 1 | No |
| Smithfield Packing Co. Inc. | Tar Heel, NC | 18079 | 80 | 3 | 3 | No |
| Southern Wild Game Inc. | Devine, TX | 13517 | 40 | 1 | 1 | No |
| Stagno's Meat Co. | Modesto, CA | 02875 | 5 | 3 | 3 | Yes x 2 |
| Star Packing Co. | St Louis, MO | 02934 | 30 | 1 | 1 | No |
| Steakmaster Inc. | Elwood, NE | 21159 | 25 | 1 | 1 | No |
| Steiner Packing Co. Inc. | Otego, NY | 04486 | 65 | 1 | 1 | No |
| Steve's Meat Market | De Soto, KS | 20670 | 30 | 3 | 3 | No |
| Steving Meat Company | Kersey, CO | 06161 | 15 | 1 | 1 | No |
| Strube Packing Company | Ballinger, TX | 13029 | 40 | 1 | 1 | No |
| Swift Beef Co. | Nampa, ID | 00477 | 15 | 1 | 2 | No |
| Swift Beef Co. | Omaha, NE | 00532 | 25 | 2 | 2 | No |
| Swift Pork Co. | Marshalltown, IA | 00003S | 25 | 2 | 2 | No |
| Swift Pork Co. | Worthington, MN | 00003W | 20 | 2 | 2 | No |
| Swiss Processing Plant | Hermann, MO | 02969 | 30 | 1 | 2 | No |
| Trenton Halal Packing Co. | Trenton, NJ | 17776 | 60 | 2 | 2 | No |
| Tyson Fresh Meats | Columbus Jct, IA | 00244L | 25 | 3 | 3 | No |

CRIMES WITHOUT CONSEQUENCES

| Name | Location | Est #¹ | Dist² | # NR³ | # Viol⁴ | Susp⁵ |
|---------------------------|------------------|--------------------------|-------------------------|-------------------------|---------------------------|-------------------------|
| Tyson Fresh Meats | Madison, NE | 00244M | 25 | 1 | 1 | No |
| Tyson Fresh Meats | Waterloo, IA | 00244W | 25 | 1 | 1 | No |
| Tyson Fresh Meats | Dakota City, NE | 00245C | 25 | 2 | 2 | No |
| Tyson Fresh Meats | Emporia, KS | 00245D | 30 | 6 | 7 | No |
| Tyson Fresh Meats | Geneseo, IL | 00245J | 50 | 10 | 12 | No |
| Tyson Fresh Meats | Lexington, NE | 00245L | 25 | 1 | 1 | No |
| Tyson Fresh Meats | Holcomb, KS | 00278 | 30 | 1 | 1 | No |
| Univ. of AR Red Meat | Fayetteville, AR | 10600 | 35 | 3 | 3 | No |
| Univ. of CA, Davis | Davis, CA | 06012 | 5 | 1 | 1 | No |
| Univ. of NV, Reno | Reno, NV | 06004 | 15 | 2 | 2 | No |
| U.S. Meat Animal Research | Clay Center, NE | 01654 | 25 | 1 | 1 | No |
| Vallet Meats | Dubuque, IA | 15868 | 25 | 1 | 1 | No |
| Valley Pride Pack | Norwalk, WI | 01361 | 45 | 2 | 2 | No |
| Verschoor Meats Inc. | Sioux City, IA | 00363 | 25 | 1 | 1 | No |
| Vin-Lee-Ron Meat Pack | Mentone, IN | 17496 | 50 | 3 | 4 | No |
| Yoder Meats Inc. | Shipshewana, IN | 17281 | 50 | 1 | 1 | No |
| Young & Stout Inc. | Bridgeport, WV | 17559 | 75 | 1 | 1 | No |

APPENDICES

| Name | Location | Est #¹ | Dist² | # NR³ | # Viol⁴ | Susp⁵ |
|-------------------------|------------------|--------------------------|-------------------------|-------------------------|---------------------------|-------------------------|
| Walt's Wholesale Meats | Woodland, WA | 06423 | 15 | 5 | 6 | No |
| Wamplers Farm Sausage | Lenoir City, TN | 09065 | 90 | 1 | 1 | No |
| Washington Beef LLC | Toppenish, WA | 00235 | 15 | 2 | 2 | No |
| Wayne Nell & Sons Meats | East Berlin, PA | 09548 | 60 | 1 | 1 | No |
| Wehry's Quality Meats | Klingerstown, PA | 09688 | 60 | 1 | 1 | No |
| West Michigan Beef Co. | Hudsonville, MI | 01816 | 45 | 5 | 6 | No |
| West Missouri Beef | Rockville, MO | 05821 | 30 | 2 | 2 | No |
| Weyhaupt Bros Packing | Belleville, IL | 02594 | 50 | 3 | 3 | No |
| Williamsburg Packing | Kingstree, SC | 04005 | 80 | 5 | 5 | No |
| Woodlawn Farms | Sharpsburg, MD | 10786 | 75 | 1 | 1 | No |
| Wright's Packing Co. | Fombell, PA | 08559 | 60 | 1 | 1 | No |
| Wyatt Packing Company | Fair Grove, MO | 05544 | 30 | 1 | 1 | No |

Notes

¹USDA establishment number.

²USDA Office of Field Operations district number.

³Total number of NRs issued during time period.

⁴Total number of violations cited during time period (some NRs list multiple violations).

⁵Federal meat inspection suspended during time period.



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