

# HUMANE SLAUGHTER UPDATE

Federal and State Oversight of the Welfare  
of Livestock at Slaughter

ANIMAL WELFARE INSTITUTE

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### ABOUT THE RESEARCH

This report presents the findings of a survey of federal and state enforcement of the Humane Methods of Slaughter Act (HMSA) conducted by the Animal Welfare Institute (AWI) covering the four-year period January 1, 2019, through December 31, 2022. It also describes recent efforts AWI and others have taken to reform federal slaughter regulations and offers

recommendations to improve slaughter practices at the federal and state levels.

The research was undertaken as an update to four previous reviews of humane slaughter enforcement published by AWI. The US Department of Agriculture (USDA) applies the HMSA to cattle, sheep, pigs, and other mammalian livestock. (Inspection of these animals under the HMSA is generally referred to as “meat” inspection.) The USDA does not apply the law to poultry; thus, the slaughter of poultry is addressed in another AWI publication: *The Welfare of Birds at Slaughter in the United States: The Need for Government Regulation* (4<sup>th</sup> ed.) November 2023.

As with the previous research, the aim of the current study is to analyze the level of humane slaughter enforcement by federal and state departments of agriculture. The data used to analyze humane slaughter enforcement was obtained from public record requests submitted to the USDA and state departments of agriculture and from records posted on the USDA website.

### ABOUT THE ANIMAL WELFARE INSTITUTE

Since its founding in 1951, AWI has been alleviating suffering inflicted on animals by people. AWI works to improve conditions for the billions of animals raised and slaughtered each year for food in the United States.

Major goals of the organization’s Farmed Animal Program include eliminating factory farms, supporting higher-welfare farms, and reforming inhumane transport and slaughter methods for animals raised for food.

This report was prepared by Zack Strong of AWI and Dena Jones (formerly of AWI).

April 2025 (5<sup>th</sup> edition)

## Summary

In early 2008, a slaughterhouse investigation revealed multiple incidents of egregious cruelty to cattle at the Westland-Hallmark Meat Packing Co. in Chino, California, resulting in widespread public outrage, the bankruptcy of Westland-Hallmark, and the largest beef recall in US history (143 million pounds). In the aftermath, Congress held multiple oversight hearings, and the USDA took several actions to step up its enforcement of the federal humane slaughter law.

AWI has conducted several surveys of federal and state enforcement of humane slaughter laws. A 2010 report by AWI found that both federal and state humane slaughter enforcement increased dramatically following the Westland-Hallmark investigation. Subsequent surveys showed that this increased level of enforcement continued into the next decade. More recently, however, the level of enforcement has been more variable. The research described in this report looked at enforcement for the four-year period 2019–2022. Major findings include the following:

- ✎ **Federal humane slaughter enforcement remains relatively stable, although the number of plant suspensions for egregious violations of the humane slaughter law has gradually declined over the past decade.** State enforcement continues to rise, particularly in the number of threatened and actual suspensions. In addition, the number of citations for less serious offenses continues to increase under state enforcement.
- ✎ **Although state enforcement is up overall, the level of enforcement varies by state.** For example, 10 states operating meat inspection programs issued no plant suspensions for humane slaughter violations for the period 2019–2022, while two states issued more than a dozen suspensions. Moreover, several states have issued no suspensions since at least 2002, when AWI began monitoring state enforcement.
- ✎ **Repeat federal violators present a significant enforcement problem. During the period 2019–2022, nine federal plants were issued at least three administrative actions—either a Notice**

**of Intended Enforcement (NOIE) or a Notice of Suspension (NOS)—for egregious humane slaughter violations within a single year.** The

same number of plants were issued three or more administrative actions within a single year in AWI's last survey (for the period 2016–2018). Although the USDA has declined to pursue criminal prosecution for humane slaughter violations, it has taken stronger administrative actions, including filing for permanent withdrawal of inspection and entering into consent orders with some repeat violators. A total of nine such adjudicatory actions were taken during the period covered by the current report.

- ✎ **Federal and state inspection personnel continue to demonstrate unfamiliarity with the federal humane slaughter directive by their failure to consistently take appropriate enforcement actions.** For example, federal inspectors continue to issue nonregulatory Memorandums of Interview (MOIs) for violations of federal humane slaughter regulations, and both federal and state inspectors issue Noncompliance Records (NRs) when more serious NOIEs or NOSs are appropriate.
- ✎ **While humane slaughter enforcement has increased at the state level and is relatively stable at the federal level, it still lags behind other types of food safety enforcement.** At the federal level, resources devoted to “humane handling” (defined in this report as the handling and treatment of mammalian livestock) still constitute less than 3 percent of total funding for all food safety inspection.

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**NOTE:** Historically, the USDA has often taken a long time to respond to Freedom of Information Act (FOIA) requests, which can limit the usefulness of the information contained in the records. Because of this delay, AWI has had to routinely submit FOIA requests to the USDA and wait months, if not years, for the department to respond. Consequently, in 2018, AWI and Farm Sanctuary, a national animal advocacy organization, sued the USDA for its failure to comply with a provision in the Freedom of Information Act that requires proactive disclosure of records subject to repeated requests. The USDA, AWI, and Farm Sanctuary settled the case in January 2022. As part of the settlement, the USDA agreed to post on its website the previous three years of livestock (and poultry) humane slaughter records, and proactively post future humane slaughter records for at least three years.

## Introduction to Farmed Animal Slaughter in the United States

In the United States, approximately 9.7 billion land animals were slaughtered for food in 2023. More than 9.5 billion of these animals were birds: chickens, turkeys, and ducks. The remainder—approximately 162 million—are commonly referred to as “livestock” or “red meat” animals, including cattle, pigs, and sheep (see Figure 1). Between 2019 and 2022 (the period covered by this report), approximately 38.5 billion birds and 660 million livestock were killed.

Farmed animals are generally slaughtered at three types of establishments within the United States—plants that are federally inspected for interstate commerce, plants that are state inspected for intrastate commerce, and plants deemed “custom exempt” for personal, noncommercial use. A large majority of the animals killed for food in the United States each year are slaughtered at federally inspected plants.

As of January 1, 2023, there were 946 plants slaughtering livestock under federal inspection (Figure 2). Of these, 776 plants slaughtered at least one head of cattle during 2022, with the 12 largest plants slaughtering 49 percent of the total cattle killed. Pigs were slaughtered at 659 plants, with the 14 largest plants accounting for 59 percent of the total. For calves, 3 of 160 plants accounted for 54 percent of the total, and 1 of the 553 plants that slaughtered sheep or lambs in 2022 was responsible for 14 percent of the total killed. Federal slaughter plants in Iowa, Kansas, Nebraska, and Texas accounted for 50 percent of the total US commercial red meat production in 2022.

Currently, 29 states operate their own meat inspection programs (see Figure 2) in cooperation with the USDA, which provides up to 50 percent of the funding. These states inspect intrastate and custom slaughter plants within their state, with enforcement standards at least equal to those imposed under federal meat inspection laws, including the humane slaughter law. Producers in states that operate their own inspection programs may apply to be inspected under either federal or

Figure 1. Commercial Farmed Animal Slaughter in the US (2022)

| Species of Animal | Number Slaughtered |
|-------------------|--------------------|
| Cattle            | 34,421,900         |
| Calves            | 391,100            |
| Pigs              | 125,400,200        |
| Sheep             | 2,166,600          |
| <b>TOTAL</b>      | <b>162,379,800</b> |

Source: USDA National Agricultural Statistics Service (NASS), *Livestock Slaughter: 2022 Summary*. April 2023.

Figure 2. Meat Inspection in the US (2022)

|   |       |
|---|-------|
| Livestock slaughter plants under federal inspection | 946   |
| Livestock slaughter plants under other inspection   | 1,940 |

| States Operating Meat Inspection Programs  |
|--|
| Alabama, Arizona, Arkansas,* Delaware, Georgia,* Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Minnesota, Mississippi, Missouri, Montana, North Carolina, North Dakota, Ohio, Oklahoma, Oregon,* South Carolina, South Dakota,* Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming |

Source: USDA Food Safety and Inspection Service (FSIS), “States With and Without Inspection Programs” (last modified Oct. 4, 2022), <https://www.fsis.usda.gov/inspection/state-inspection-programs/states-and-without-inspection-programs>.

\*State conducts meat inspection only (no poultry inspection program).

| Federal-State Cooperative Inspection Agreements  |
|--|
| Alabama, Georgia, Illinois, Mississippi, North Carolina, Oklahoma, Texas, Utah, Virginia |

state inspection; however, products produced in state-inspected plants may only be sold within the state. The USDA certifies state inspection programs annually based on the state's self-assessment, as well as the department's own review.

In addition, 10 states participate in the USDA's Cooperative Interstate Shipment program, which allows state-inspected plants to operate as federally inspected facilities, under specific conditions, and ship their products across state lines. Participation in the program is currently limited to slaughter plants in the 29 states that operate a meat (and/or poultry) inspection program.

The designated status of an individual slaughter plant as being either federally or state inspected does not necessarily indicate which agency is responsible for conducting oversight, including issues related to humane slaughter. Some plants under federal oversight are inspected by employees of state agricultural agencies. Nine states (Figure 2) 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 1962, and the slaughter plants inspected under this authority are referred to as "federal-state cooperative inspection plants" (formerly "Talmadge-Aiken plants").

The Federal Meat Inspection Act and its regulations, including those related to humane handling and

slaughter, apply to all federally inspected and state-inspected livestock slaughter plants. On-farm slaughter by the farm owner or operator or by a commercial, mobile slaughtering operation is exempt, unless specifically covered by state law. Custom slaughter establishments are also exempt from regular inspection (see below for a discussion of humane slaughter enforcement at custom slaughter plants).

The total number of slaughter plants in the United States declined continuously from 1970 to 2010, before stabilizing over the past 10 years (Figure 3). During this period, the number of plants under federal inspection rose and then fell, and the number of state plants declined steadily.

While the number of plants under federal inspection has decreased over the past several decades, the number of large plants has increased—a consequence of consolidation in the meat industry. This has impacted the beef, pork, and lamb industries (as well as the poultry industry). The shift to large federal plants could benefit animal welfare in slaughterhouses, as larger plants may possess the resources needed to slaughter animals with relatively less pain and distress. However, a smaller number of plants means that animals are being transported longer distances to slaughter, which negatively impacts animal welfare.

**Figure 3. US Livestock Slaughter Plants**

| Year | Plants under Federal Inspection | Plants under State/ Other Inspection | Total Plants |
|------|---------------------------------|--------------------------------------|--------------|
| 1970 | 726                             | 7,017                                | 7,743        |
| 1980 | 1,627                           | 4,320                                | 5,947        |
| 1990 | 1,268                           | 3,281                                | 4,549        |
| 2000 | 909                             | 2,357                                | 3,266        |
| 2010 | 834                             | 1,940                                | 2,774        |
| 2020 | 835                             | 1,938                                | 2,773        |

Source: NASS, *Livestock Slaughter Annual Summary*. 1970-2020.

## Overview of the Humane Slaughter Law and Its Enforcement

The USDA's Food Safety and Inspection Service (FSIS) is the federal agency charged with inspecting slaughter operations to ensure that farmed animals are killed in compliance with the Humane Methods of Slaughter Act (HMSA). All federally inspected slaughter plants in the United States are covered by the HMSA, including custom exempt facilities that are engaged in interstate commerce, and custom exempt facilities that are engaged in intrastate commerce in states that do not have their own meat inspection programs (for more detail, see the discussion of custom slaughter below).

The law and its regulations currently apply to the slaughter of cattle, sheep, pigs, and other livestock. The USDA has chosen to interpret "livestock" to exclude birds and rabbits. The law also does not apply to the slaughter of "exotic" animals, such as reindeer, elk, deer, antelope, bison, and water buffalo. However, producers may choose to have their slaughter and processing operations for these species inspected by federal or state inspectors under a voluntary program.

The HMSA 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. Current HMSA regulations detail requirements for the stunning of animals by gunshot, captive bolt device, electrical current, and carbon dioxide gas. The law also provides for the humane handling of animals at a slaughter establishment from arrival and up to the point of slaughter. (Figure 4 illustrates key requirements of the HMSA and its regulations.)

The law allows for the shackling, hoisting, and cutting of conscious animals when performed in accordance with the ritual requirements of religious faiths. Currently, the USDA interprets the ritual slaughter exemption as allowing religious authorities complete autonomy in determining the humaneness of actions taken to prepare animals for ritual slaughter (such

as cleaning, positioning, and restraining the animal), as well as the humaneness of the slaughter process itself. However, this exclusion does not exempt ritual slaughter from complying with the humane handling requirements before preparation for ritual slaughter, such as providing animals with water and abstaining from excessive use of electric prods.

Federal and state departments of agriculture may take enforcement actions against an individual slaughter plant because of its inhumane handling and/or slaughter of animals covered by the HMSA. These enforcement actions are spelled out in the FSIS Rules of Practice (9 CFR Part 500) and are further explained in the FSIS Humane Handling and Slaughter of Livestock Directive (6900.2).

Enforcement actions available to agriculture agencies include (1) regulatory control actions, such as slowing or stopping the slaughter line and the application of "reject tags" (which prevent use of specific equipment or areas of a plant until the deficiency is corrected), (2) issuance of a Noncompliance Record (NR) for regulatory violations, (3) issuance of a Notice of Intended Enforcement (NOIE), Notice of Suspension (NOS) or Notice of Reinstatement of Suspension (NROS) for egregious regulatory violations or repeated non-egregious regulatory violations, and (4) permanent suspension of inspection or withdrawal of inspection for repeated egregious violations. An NR merely notifies the plant that there is a noncompliance. The more serious NOIE indicates that a suspension could occur unless the plant corrects the noncompliance. In addition, inspection personnel may issue a Memorandum of Interview (MOI) to document discussions regarding regulatory and nonregulatory concerns (without establishing a record of noncompliance, in contrast to NRs, NOIEs, NOSs, and NROSs). (MOIs and NRs are also sometimes issued to offer supplemental details of an egregious humane handling incident that resulted in an administrative enforcement action such as an NOIE, NOS, or NROS.)

FSIS Directive 6900.2, Humane Handling and Slaughter of Livestock, defines "egregious" inhumane treatment

as any act or condition that results in severe harm to animals, and lists the following examples:

- ✎ Making cuts on or skinning conscious animals
- ✎ Excessive beating or prodding of ambulatory or nonambulatory disabled animals or dragging of conscious animals
- ✎ Driving animals off semi-trailers over a drop-off without providing adequate unloading facilities
- ✎ Running equipment over conscious animals
- ✎ Stunning animals and then allowing them to regain consciousness before slaughter
- ✎ Multiple attempts, especially in the absence of immediate corrective measures, to stun an animal versus a single blow or shot that renders an animal immediately unconscious
- ✎ Dismembering conscious animals, for example, cutting off ears or removing feet
- ✎ Leaving disabled livestock exposed to adverse climate conditions while awaiting disposition
- ✎ Otherwise causing unnecessary pain and suffering to animals, including situations on trucks

### **The Special Case of Custom Slaughter**

Slaughter plants may kill animals under more than one type of inspection. Specifically, slaughter plants may perform both federal and custom slaughter, or both state and custom slaughter. AWI has reviewed records that describe incidents at plants that, at first glance, appear to show inspectors underpenalizing plants, but instead reflect the nuances between custom and federal inspection.

Because custom slaughter offers a lower level of protection to animals, it is possible for humane slaughter violations at a single slaughter plant to be handled differently, depending on whether the animals involved had been presented for federal/state or for custom slaughter.

For example, Faulkner Meats (M44779), a custom-exempt facility in Taylorsville, Kentucky, is also under federal inspection. USDA personnel are present on a routine basis to provide verification of regulatory compliance. On May 22, 2018, USDA inspection

personnel noted that two pigs were in an alleyway without access to water. The inspector issued an MOI instead of an NR, observing that, although the HMSA applies to custom-exempt facilities, “the animals in question had not been declared for federal inspection.” The inspector also noted that multiple MOIs had been issued for the same problem in the recent past.

In another incident at the same plant on October 23, 2018, federal inspection personnel were verifying conditions in a barn holding pen when they found a goat in a moribund state. The USDA veterinarian condemned the goat and ordered the plant to euthanize the animal. Plant personnel killed the goat by cutting his throat. The inspector issued an MOI instead of initiating a more serious plant suspension or threatened suspension (i.e., issuing an NOS/NROS or NOIE), which is the proper response for a similar incident at a federal plant. The inspector offered this explanation: “The cutting of the throat is not considered an acceptable method of euthanasia in a federally regulated facility. The owner of the establishment considers all animals held in the barn to be custom exempt, thus the basis for this MOI.”

In another incident in February 2020, an inspector at Sanchez Slaughterhouse (M12455) in Kapa’a, Hawai’i, observed a large hog being shot five times with a firearm before the animal was rendered unconscious for slaughter. After each unsuccessful attempt, the worker left the stunning area to retrieve another cartridge from a nearby vehicle. The worker commented to the inspector: “It’s custom, guy. No need to worry about it!” While the plant was later issued an NOS, this incident reveals that the plant workers believed they were not responsible for adhering to humane handling requirements while performing custom slaughter.

In the instances detailed above, the respective inspectors issued MOIs—typically used for nonregulatory violations—even though the incidents would have been considered regulatory violations had the animals been presented for federal inspection. According to this reasoning, while the HMSA can be the basis for citing violations involving custom-exempt



animals during a custom-exempt inspection, it will not be used to cite violations involving these same animals observed during a federal inspection of the premises.

AWI requested clarification of the USDA policy for addressing humane handling violations for animals slaughtered under custom-exempt inspection. The department responded: “If *during a custom exempt review* FSIS personnel observe slaughter and if there are concerns about humane handling, FSIS inspection personnel are instructed to document their findings on FSIS Form 5930-1, Exempt Establishment Review Report, and notify their supervisor. Egregious or repeated concerns are to be reported to the District Veterinary Medical Specialist through supervisory channels [emphasis added].” Apparently, these actions would only be taken for violations noted during a formal custom-exempt review, which typically takes place only once or twice each year.

The USDA appears to be acting in a manner inconsistent with its claims that the HMSA applies to custom-exempt facilities when it fails to cite violations occurring at federally inspected plants because the animals have been identified as slated for custom-exempt slaughter. It is unclear to AWI what authority inspectors have to cite HMSA violations involving animals identified as “custom exempt”; it may also be unclear to the inspectors themselves.

In January 2023, AWI filed a rulemaking/policy petition with the USDA, requesting that the department make the following changes to the FSIS custom-exempt directive (8160.1):

- Specify that custom-exempt reviews must be scheduled for a date and time when slaughter (not slaughter or processing) is being performed so that FSIS inspection personnel may observe antemortem handling, stunning, and slaughter of animals.
- Indicate that practices required under HMSA regulations for federally inspected slaughter (but identified as mere “voluntary welfare practices” under the custom-exempt directive) are required for custom-exempt slaughter as well.
- Instruct inspectors conducting custom-exempt reviews in federally inspected establishments to document any observed HMSA or Poultry Products Inspection Act good commercial practice violations in an MOI.
- Clarify that an animal must be declared for federal inspection or custom-exempt upon arrival at the establishment (to close the loophole whereby custom-exempt slaughter operations can avoid being cited for HMSA violations by declaring an animal custom-exempt after an inspector has noted a problem).
- Require inspectors who observe neglect or abuse of custom-exempt animals while conducting a federal inspection or custom-exempt review to notify the appropriate local or state authorities that a violation of the state’s animal cruelty law may have occurred.
- Require the suspension of eligibility to perform custom-exempt slaughter for any establishment under suspension of federal inspection for violation of humane handling and/or food safety regulations. In addition, any establishment that loses its grant of federal inspection should also lose its eligibility to perform custom-exempt slaughter.

For additional information, see AWI’s report, *Custom-Exempt Slaughter: A License to Neglect and Abuse Farm Animals* (Jan. 2023).

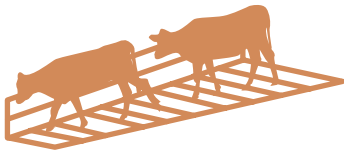


## Figure 4. Humane Handling and Slaughter Requirements



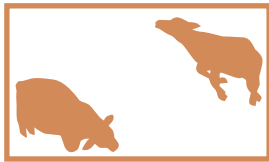
### 1. Arrival at slaughter plant

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



### 2. Unloading from Truck

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



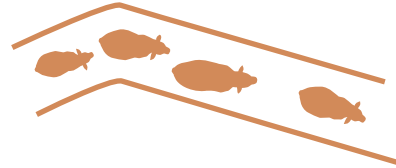
### 3. Handling of Disabled Animals

Disabled animals must be separated from ambulatory animals and placed in a covered pen sufficient to protect them from any adverse climatic conditions. Nonambulatory cattle (including calves) must be euthanized.



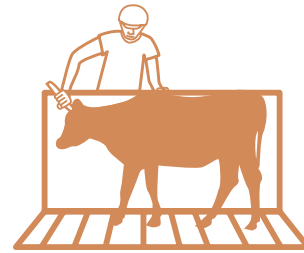
### 4. Condition of holding pens

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



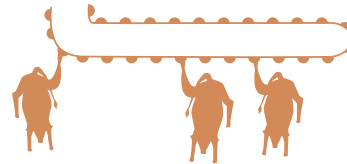
### 5. Moving to stunning area

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



### 6. Stunning

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



### 7. Slaughter

Animals must be unconscious before they are shackled, hoisted, or cut. The animal is to remain in this condition throughout the shackling, sticking, and bleeding process.

Any animal showing signs of consciousness must be immediately restunned.

## Federal Enforcement

### Level of Federal Humane Slaughter Enforcement

The USDA reports the number of procedures that are conducted at federal slaughter plants to verify compliance with the HMSA and its regulations. AWI has monitored these verification procedures since 2007. Via the Humane Handling Activities Tracking System (HATS), the USDA also reports the total number of hours federal inspectors spend on humane slaughter enforcement and the number of full-time equivalent (FTE) inspectors represented by the total HATS hours for all FSIS district offices combined.

The total FSIS verification procedures and time spent on humane handling slaughter enforcement (defined as the number of FTE inspectors) for fiscal years 2010 through 2022 are presented in Figure 5. As shown, both increased significantly between 2010 and 2013. Since then, however, the number of FTE inspectors has fallen back to the 2011 level, while the number of verification procedures, after trending gradually downward between 2013 and 2018, began to rise once again, surpassing its earlier peak and reaching its highest level in 2022.

The average number of MOIs and NRs per year for the three-year period 2016–2018 was 816, while the average number of suspensions and NOIEs was 112 (Figure 6). Figure 7 compares the number of MOIs, NRs, suspensions, and NOIEs for the years 2007 and 2018. While NRs rose modestly in 2018 compared to the earlier year, suspensions and NOIEs increased tenfold.

### Comparing Federal Enforcement over Time

During the period 2019–2022, an annual average of 193 MOIs, 727.5 NRs, 12.5 NOIEs, and 67.5 suspensions (NOSs and NROSs) were issued. (Figure 6). Figure 7 compares the number of MOIs, NRs, NOIEs, and suspensions for the years 2007 and 2022. The number of MOIs and NOIEs went from zero to 309 and 8, respectively. While the number of NRs showed a modest increase, the number of suspensions increased nearly sixfold. As shown in Figure 8, the increase in NOIEs and suspensions was very dramatic between 2007 and 2008, in the aftermath of the egregious

humane handling violations at the Westland-Hallmark plant, but totals have fluctuated significantly since that time. Overall, the number of NOIEs and suspensions has declined since reaching a peak in 2015.

### Violations Cited at Federally Inspected Plants

In its previous surveys of humane slaughter, AWI reported on the types of humane violations cited at both federally inspected and state-inspected plants. AWI again analyzed types of noncompliances cited for the period 2019–2022 and compared those results with the previous results for the period 2007–2009. As illustrated in Figure 9, the proportion of citations for failure to provide water and/or feed; failure to maintain pens, grounds, or equipment; and improper handling has remained relatively stable. However, the percentage of violations for ineffective stunning nearly tripled, from 13 percent to 37 percent. At the same time, the percentage of violations for conscious shackling, hoisting, or cutting decreased significantly, from 15 percent to 3 percent, probably because inspection personnel were intervening earlier in the process at the stunning stage. The percentage of violations for improper handling of disabled (or “downed”) animals also decreased significantly, from 14 percent to 3 percent—a possible result of a pair of rules issued by the USDA in 2007 and 2016 prohibiting the slaughter of downed cattle and calves, respectively.

### Repeat Violators Continue to Present a Serious Enforcement Problem

Each of AWI’s surveys have identified repeat violators as a significant problem at both federal and state plants. These are cases where individual slaughter plants are cited for multiple violations in a relatively brief period of time. Federal slaughter plants with the largest number of humane handling incidents during the period 2019–2022 are shown in four separate tables in the Appendix. The information is organized by federal plant size (large, small, and very small).

During the four-year period 2019–2022, the nine federal plants listed below were suspended or threatened with suspension (issued an NOS, NROS, or NOIE) three or more times within one year, compared

to the same number of plants that met this criteria over three years during 2016–2018. (It should be noted that some of the enforcement actions may have been successfully appealed by the establishment. Information regarding the disposition of appeals is typically not provided by the USDA.)

- ✎ Abattoir Associates Inc. (M44910), in Spring Mills, PA, was suspended four times in 2021.
- ✎ Alaska Interior Meats LLC (M40463), in North Pole, AK, was suspended three times in 2020.
- ✎ Bay Area Ranchers’ Cooperative Inc. (M47584), in Petaluma, CA, was suspended four times in 2022.
- ✎ Nelson’s Meat Processing LLC (M33927), in Milton, WV, was suspended three times in 2019.

- ✎ Northwest Premium Meats LLC (M11032), in Nampa, ID, was suspended three times in 2020.
- ✎ Powell Meat Company LLC (M51306), in Clinton, MO, was suspended three times in 2020.
- ✎ Pudliner Packing (M4999), in Johnstown, PA, was suspended three times in 2020.
- ✎ The Pork Company (M20608), in Warsaw, NC, was suspended twice and received one NOIE in 2022.
- ✎ Working H Meats LLC (M19290), in Friendsville, MD, was suspended three times in 2019.

In theory, the economic consequences of a plant being suspended should serve as a deterrent to future offenses. That is not always the case, apparently, perhaps in part because plants—particularly large ones—are typically

**Figure 5. Time Spent on Federal Humane Slaughter Enforcement**

| Fiscal Year | No. of FTE Inspectors | No. of Verification Procedures |
|-------------|-----------------------|--------------------------------|
| 2010        | 142                   | 126,063                        |
| 2011        | 153                   | 128,064                        |
| 2012        | 158                   | 171,953                        |
| 2013        | 177                   | 183,781                        |
| 2014        | 169                   | 179,538                        |
| 2015        | 170                   | 174,570                        |
| 2016        | 155                   | 176,338                        |
| 2017        | 160                   | 178,692                        |
| 2018        | 160                   | 176,046                        |
| 2019        | 157                   | 180,433                        |
| 2020        | 157                   | 184,505                        |
| 2021        | 154                   | 184,239                        |
| 2022        | 153                   | 185,665                        |

Sources: (1) USDA-FSIS, Humane Handling Quarterly Reports; (2) FSIS response to FOIA #2016-00061, submitted by AWI, Dec. 8, 2015; (3) FSIS response to FOIA #2019-00141, submitted by AWI, Jan. 15, 2019.

**Figure 6. Federal Enforcement Actions (2019-2022)**

|  |       |
|--|-------|
| Memorandums of Interview                                     | 774   |
| Noncompliance Records  | 2,910 |
| Notices of Intended Enforcement                              | 50    |
| Notices of Suspension/Notices of Reinstatement of Suspension | 270   |

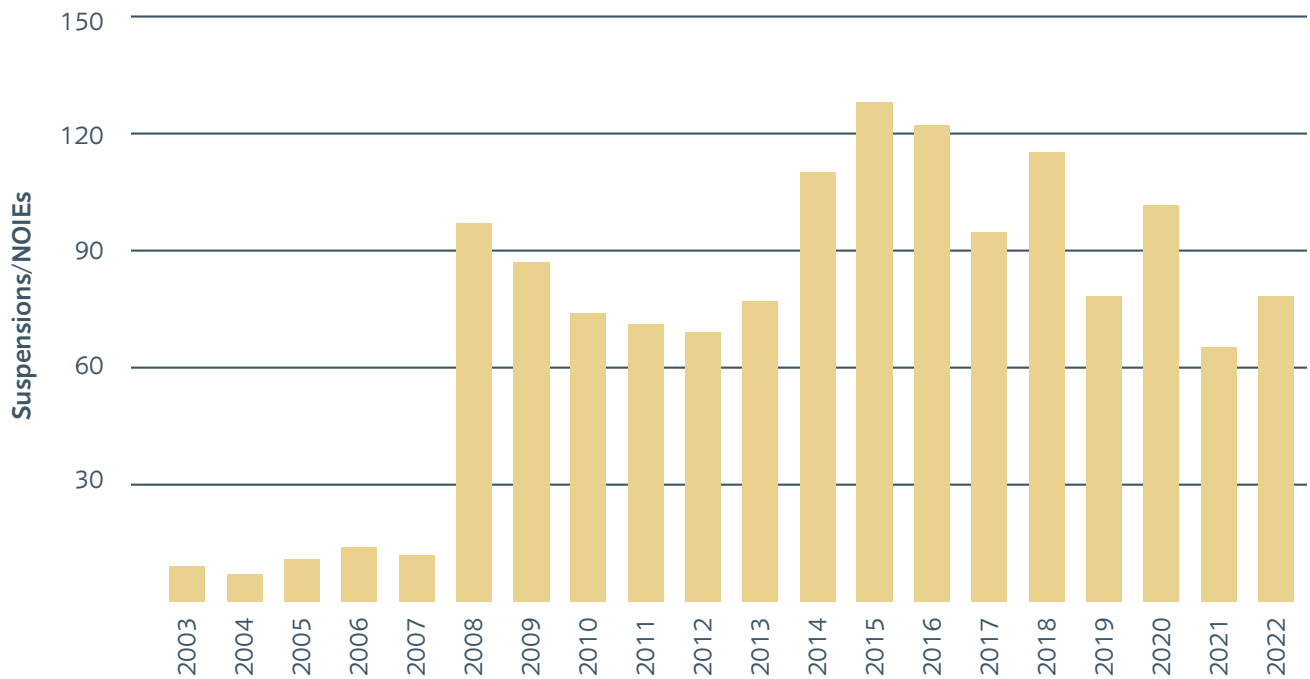
**Figure 7. Federal Enforcement Actions (comparing 2007 with 2022)**

| Enforcement Action              | 2007 <sup>1</sup> | 2022 <sup>2</sup> |
|---------------------------------|-------------------|-------------------|
| Memorandums of Interview*       | 0                 | 309               |
| Noncompliance Records           | 700               | 865               |
| Notices of Intended Enforcement | 0                 | 8                 |
| Notices of Suspension           | 12                | 70                |

Sources: (1) Congressional Research Service, *USDA Meat Inspection and the Humane Methods of Slaughter Act*, 2008; (2) humane slaughter datasets posted on FSIS website.

\*Does not include MOIs associated with administrative enforcement actions (NOIEs, NOSs, ROSs) or MOIs that do not discuss a specific animal welfare concern.

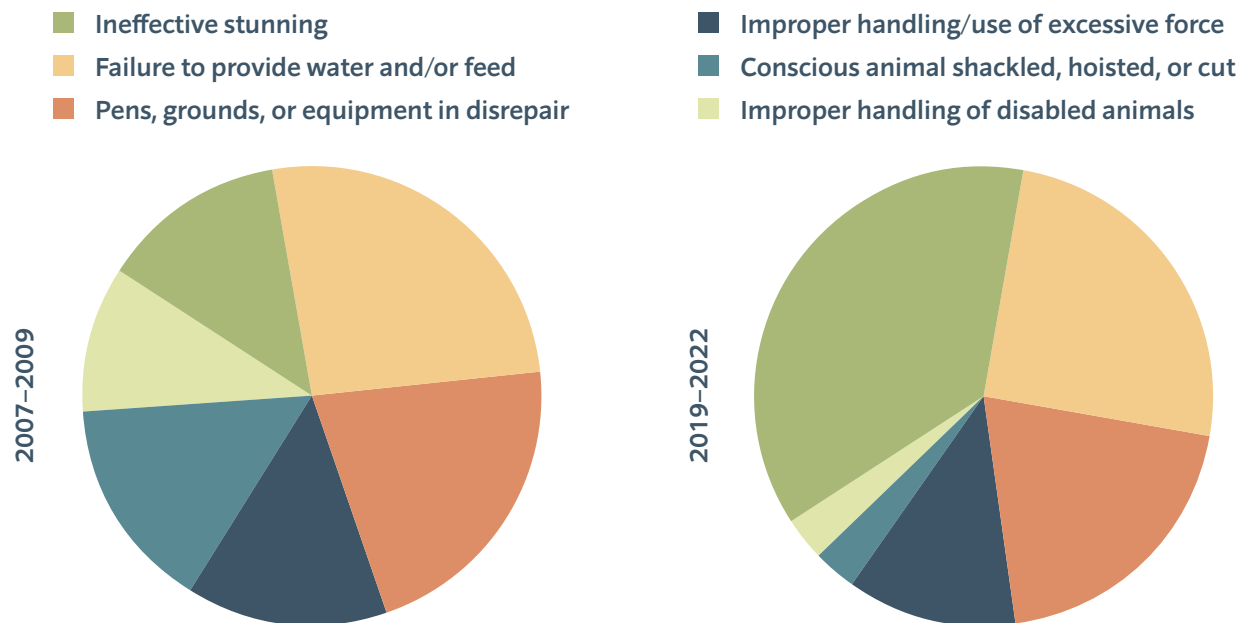
Figure 8. Federal Enforcement Actions for Egregious Violations



Source: USDA-FSIS Quarterly Enforcement Reports.

Figure 9. Types of Violations at Federal Plants\*  
(comparing 2007–2009 with 2019–2022)

\*Includes NRs, NOIEs, NOSs, & ROSs; excludes MOIs.



shut down for only a short time (usually less than one day). The USDA's position is that the department may only suspend inspections for as long as it takes for the plant to provide an acceptable plan for corrective actions and preventive measures; the department may not issue punitive suspensions, even when plants have committed repeated egregious violations within a brief period.

### **Inspectors' Actions Are Often Inconsistent with the Federal Humane Handling Directive**

As noted earlier, the FSIS Humane Handling and Slaughter of Livestock Directive (6900.2) describes which actions inspection personnel are required to take for observed violations of the federal humane slaughter regulations. However, AWI's review of federal records has revealed that inspectors often do not comply with the directive. The most frequently noted inconsistencies with the directive are (1) issuing MOIs rather than NRs for humane slaughter regulatory violations, and (2) issuing NRs rather than NOIEs or NOSs/NROs for regulatory violations identified as "egregious."

The issuance of MOIs in situations calling for NRs is a relatively recent problem, possibly related to the increasing use of MOIs to document violations of good commercial practices in poultry slaughter plants. Figure 7 shows that in 2007, FSIS inspectors issued 700 NRs and no MOIs under the HMSA. However, in 2022, FSIS inspectors issued 865 NRs and 309 MOIs. According to AWI's review, a majority of the 309 MOIs were issued for HMSA regulatory violations, including failure to provide water and/or feed, excessive use of force to drive animals, overcrowded pens, mistreatment of nonambulatory animals, maintenance problems resulting in unsanitary or unsafe conditions, and multiple stunning attempts. In some cases, injuries to animals were noted.

Under the humane handling directive, HMSA violations classified as "egregious" are to be addressed via federal administration actions (NOIEs or suspensions). However, in this survey, AWI identified many egregious incidents that were treated as mere noncompliances with the issuance of an NR, including dozens of situations where three or more stunning attempts were taken before the animal was rendered insensible to pain. Such situations

of underenforcement may explain the decline in federal administrative actions in recent years (see Figure 8).

### **Lack of Criminal Prosecutions**

AWI's review of HMSA enforcement records for the period 2019–2022 revealed a disturbing trend of the USDA failing to take meaningful action in response to evidence of animal neglect and abuse, particularly when it occurs off the premises of an FSIS-inspected slaughter establishment.

#### *Case #1: Excessive Transport Mortality Among Young Calves*

Between early 2022 and late 2023, FSIS personnel at the Ida Meats (M46433) slaughter plant in Rupert, Idaho, documented the mortality of "bob veal" calves transported from California. MOI records from the FSIS provide the number and percentage of calves dead on arrival and the number and percentage euthanized as nonambulatory/disabled. According to the records, 122 incidents of high transport mortality and loss occurred, and these incidents occurred year-round, even in moderate temperatures. Calf losses for the California shipments ranged from 5 percent to more than 29 percent, with an average of 19 percent. In total, approximately 4,000 neonatal calves suffered and died during these incidents.

The records offer no evidence that the USDA took action beyond issuing MOIs. There is no mention of the department initiating an investigation, communicating with plant management, or even attempting to contact the trucking company or calf supplier.

#### *Case #2: Excessive Use of Animal Handling Implements*

On 246 occasions between January 2021 and October 2023, FSIS personnel at the Swift Pork Company (M850) plant in Ottumwa, Iowa, documented excessive use of electrical prods, paddles, pokers, and other animal handling implements. On 20 of these occasions, FSIS personnel reported seeing plant workers aggressively strike animals; in the remaining 226 occasions, they documented evidence of mistreatment in the form of bruises and other types of carcass damage on postmortem examination. Many carcasses

were reported to have multiple bruises—in some cases, a dozen or more. The records suggest that the mistreatment of animals was occurring both on-farm and at the slaughter plant, and the total number of animals affected was in the tens of thousands.

Excessive use of handling implements is a clear violation of HMSA regulations. Despite this, only 2 of the 246 instances were written up in NRs, with the remaining 244 documented in nonregulatory MOIs, including incidents where inspectors personally observed the abuse. No enforcement or control actions were taken in response to the incidents.

AWI suspects that the USDA failed to take any enforcement action in these cases because the department believes it lacks authority to address inhumane handling that occurs off the premises of an inspected establishment. However, every US state has enacted prohibitions on cruelty to animals, and most of these laws would apply in one or both cases described above. Although the FSIS did report the situation at the Swift Pork plant to the Iowa state veterinarian, in many states (including Iowa), the agricultural department and/or state veterinarian does not have authority to address the humane treatment of animals on the farm or during transport, or a duty to report suspected cases of animal abuse or neglect.

Criminal prosecution should be considered as one approach to deterring repeat violations and egregious, willful acts of inhumane handling or slaughter. Unfortunately, according to FSIS Quarterly Enforcement Reports, the USDA has not initiated any civil or criminal prosecutions for inhumane slaughter at licensed federal plants since at least 2007 (though the agency has pursued criminal humane slaughter cases against establishments found to be operating illegally, such as several small “backyard” operations in Florida).

In September 2023, Animal Partisan, a national animal advocacy organization, submitted a petition asking the USDA to clarify that federal meat inspection and humane slaughter laws do not necessarily preempt state government officials from enforcing state anti-

cruelty statutes. AWI supports this petition. Referring instances of potential animal cruelty to the appropriate state officials would serve as a deterrent to future incidents of mistreatment, potentially benefiting both animals and FSIS inspection personnel.

### **Withdrawal of Inspection and Consent Orders**

Although the USDA has declined to issue punitive suspensions or pursue criminal prosecutions, in recent years it has initiated stronger administrative actions against some repeat violators. These stronger actions include (1) filing complaints to indefinitely suspend or withdraw slaughter inspection from violators (effectively shutting down a facility, as it cannot operate without inspections) and (2) entering into consent decisions with violators (suspending operations until violations are satisfactorily remedied). In March 2014, a USDA administrative law judge entered a default decision and order against Brooksville Meat Fabrication Center (M9173), indefinitely suspending the assignment of inspectors at the Brooksville, Kentucky, plant based on “repetitive, egregious humane handling and slaughter violations.” To AWI’s knowledge, this was the first instance of the USDA moving to withhold inspection from a slaughter establishment solely on the basis of noncompliance with the humane slaughter regulations.

This step has been taken in multiple cases under each administration since that time. These “consent decision and order” cases are included in the “Food Safety Adjudicatory Actions” section of FSIS Quarterly Enforcement Reports. Figure 10 lists the adjudicatory actions taken by the USDA for repeated humane slaughter violations during the period 2019–2022.

A consent decision and order allows the plant to resume inspection operations upon verification that the company meets the order requirements. Typical requirements include appointing a humane handling coordinator; establishing procedures for handling, restraining, and stunning animals; maintaining slaughter equipment; training employees in humane handling; and conducting third-party audits in response to enforcement actions. Some plants eventually choose

Figure 10. Federal Adjudicatory Actions

| Company Name  | Plant No. | Plant Location   | Administrative Action                                   | Date       |
|---|-----------|------------------|---|------------|
| Harmon Brothers Meat Inc                              | M7356     | Warsaw, KY       | Consent Decision and Order                              | 2/7/2019   |
| Marks Meat Inc  | M9265     | Canby, OIR       | Consent Decision and Order                              | 3/15/2019  |
| Transhumance Holding Company Inc (dba Superior Farms) | M2800     | Dixon, CA        | Consent Decree  | 6/15/2019  |
| Nelson's Meat Processing LLC                          | M33927    | Milton, WV       | Complaint for Withdrawal of Federal Inspection Services | 5/22/2020  |
| Light Hill Meats                                      | M46240    | Lynnville, TN    | Consent Decision and Order                              | 9/22/2020  |
| Pudliner Packing Co                                   | M4999     | Johnstown, PA    | Consent Decision and Order                              | 2/11/2021  |
| E L Blood & Son                                       | M6354     | West Groton, MA  | Consent Decision and Order                              | 5/7/2021   |
| Abattoir Associates Inc                               | M44910    | Spring Mills, PA | Consent Decision and Order                              | 1/26/2022  |
| Cool Cat Fish Market                                  | M48162    | Stewart, TN      | Consent Decision and Order*                             | 12/16/2022 |

Source: USDA-FSIS Quarterly Enforcement Reports.

\*Firm restricted from conducting livestock and poultry slaughter due to four felonies for aggravated animal cruelty under state law.

Figure 11. Humane Slaughter as a Food Inspection Priority (FY 2022)

| Type of Enforcement Action | Humane Slaughter Actions<br>(as a percent of all meat inspection actions) |
|----------------------------|---|
| Verification Procedures    | 2.5%  |
| Noncompliance Records      | 0.9%  |
| Plant Suspensions/NOIEs    | 36.2%   |

Sources: (1) USDA-FSIS Humane Handling Quarterly Report (10/1/2021-9/30/2022); (2) USDA-FSIS Quarterly Enforcement Reports for FY 2022.

to voluntarily end their slaughter operations rather than complying with the order requirements.

**Humane Slaughter Remains a Small Percentage of Overall USDA Inspection Activities**

The USDA's inspection activities related to humane slaughter continue to represent a small percentage of the department's total meat inspection activities (Figure 11). For example, in fiscal year 2022, humane

slaughter verification procedures represented only 2.5 percent of all food safety verification procedures (compared to 1.5 percent in 2009). Moreover, less than 1 percent of all food safety NRs were issued for humane handling violations (the same as in 2009). Suspensions and NOIEs were the exception; in this category, more than one-third of the food safety administrative actions taken were for egregious humane handling violations.



## State Enforcement

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. Therefore, the humane slaughter provisions of the federal law cover all animals slaughtered under the authority of state food inspection laws. Many states have also enacted separate humane slaughter laws that in some ways exceed the provisions of the HMSA—such as by prohibiting the use of sledgehammers or axes to stun animals for slaughter, methods not specifically banned in the federal law. For the most part, however, these state laws do not provide significant additional protection beyond the HMSA’s provisions. (For a more detailed discussion of state humane slaughter laws, see AWI’s report, *Legal Protections for Farm Animals at Slaughter* (May 2022)).

Most state plants, except those participating in the USDA’s Cooperative Interstate Shipment program, are small or very small establishments that are limited to selling products intrastate. Unlike federally inspected plants, they often do not operate every day, and when they do, they slaughter a very small number of animals. 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. Those that do survive over time usually do so by meeting local or special demands, such as for organic, grass-fed, or pasture-raised meat. These plants tend to slaughter multiple animal species and different animal types within a species. For example, while the large federal plants often slaughter steers, heifers, or market-weight hogs

only, smaller plants are more likely to slaughter mature animals such as culled dairy cows and breeding sows.

While AWI monitors federal enforcement continuously, it generally surveys state enforcement at intervals of two to four years. Since 2010, AWI has requested state enforcement records on five occasions, for the periods 2010–2012, 2013–2014, 2015, 2016–2018, and 2019–2022.

Nearly all states operating meat inspection programs eventually respond to AWI’s open records requests. Alabama, which hasn’t provided records for 10 years, is the exception. For this most recent survey, Delaware indicated it had no licensed state-inspected plants for the period 2019–2022. South Carolina provided a summary of enforcement actions but declined to provide the actual records, citing a state law prohibiting the release of information that may be used to identify a person or private business activity subject to regulation by the state meat inspection program. South Dakota provided records but redacted the identity of individual plants.

### Comparing State Enforcement over Time, 2002–2022

The number of enforcement actions taken at state-inspected plants has increased significantly since AWI’s first survey, which was conducted for the three-year period 2002–2004 (see Figure 12). Both NRs and suspensions have increased dramatically over the past 20 years. The issuance of NRs at state plants has increased more than tenfold, and the number of suspensions and warnings was nearly 50 times higher in 2019–2022 than in 2002–2004. (It should be noted that the current survey covered a four-year period, while each of the previous surveys covered three years.)

Figure 12. State Enforcement Actions (All States)

| Type of Action        | 2002–2004 | 2007–2009 | 2010–2012 | 2013–2015 | 2016–2018 | 2019–2022 |
|-----------------------|-----------|-----------|-----------|-----------|-----------|-----------|
| NRs/MOIs              | 72        | 410       | 456       | 735       | 766       | 1,327     |
| Suspensions/Warnings* | 4         | 12        | 22        | 71        | 98        | 182       |

\*Includes Notices of Intended Enforcement, Letters of Warning, Letters of Concern.

Figure 13. Enforcement Actions by State (2019–2022)

| State                 | NRs/MOIs | Suspensions/Warnings <sup>1</sup> | No. of Plants <sup>2</sup> |
|-----------------------|----------|-----------------------------------|----------------------------|
| Alabama <sup>3</sup>  | 0        | 0                                 | 17                         |
| Arizona               | 12       | 4                                 | 25                         |
| Arkansas <sup>4</sup> | 0        | 0                                 | 27                         |
| Delaware <sup>5</sup> | 0        | 0                                 | 0                          |
| Georgia               | 52       | 18                                | 34                         |
| Illinois              | 114      | 9                                 | 118                        |
| Indiana               | 23       | 2                                 | 82                         |
| Iowa                  | 83       | 0                                 | 67                         |
| Kansas                | 38       | 4                                 | 45                         |
| Louisiana             | 25       | 1                                 | 46                         |
| Maine                 | 14       | 10                                | 5                          |
| Minnesota             | 99       | 1                                 | 57                         |
| Mississippi           | 1        | 2                                 | 17                         |
| Missouri              | 11       | 3                                 | 30                         |
| Montana               | 98       | 19                                | 40                         |
| North Carolina        | 19       | 2                                 | 56                         |
| North Dakota          | 17       | 1                                 | 9                          |
| Ohio                  | 191      | 52                                | 227                        |
| Oklahoma              | 5        | 1                                 | 20                         |
| Oregon <sup>6</sup>   | 0        | 0                                 | 1                          |
| South Carolina        | 27       | 1                                 | 55                         |
| South Dakota          | 42       | 8                                 | 37                         |
| Texas                 | 197      | 12                                | 206                        |
| Utah                  | 13       | 0                                 | 16                         |
| Vermont               | 2        | 0                                 | 11                         |
| Virginia              | 4        | 2                                 | 8                          |
| West Virginia         | 20       | 2                                 | 19                         |
| Wisconsin             | 185      | 28                                | 243                        |
| Wyoming               | 25       | 0                                 | 13                         |
| TOTAL                 | 1,317    | 182                               | 1,531                      |

(1) Includes Notices of Intended Enforcement, Letters of Warning, and Letters of Concern. (2) Numbers do not include plants under custom inspection. Source is *Fiscal Year 2018 Comprehensive Review and Determination Report* produced by the USDA-FSIS Office of Investigation, Enforcement and Audit, Federal-State Audit Branch, Dec. 2018. (3) The state did not respond to public records request. (4) New inspection program with no records reported. (5) Although the state is accredited by the FSIS to operate a meat inspection program, it had no state-inspected plants during the period 2019–2022. (6) New inspection program with no records reported.

Although all state inspection programs are expected to meet the minimum standards of the federal meat inspection program, states vary considerably in the types of reporting forms used and the types of enforcement actions taken. For example, a few states appear to sometimes issue documents other than NOIEs or NOSs/NROs in response to egregious violations. AWI has reviewed documents titled “Letter of Concern” and “Letter of Warning” that have been issued by these states for this purpose. Figure 13 presents the number of enforcement actions reported for each of the 29 states operating a meat inspection program.

Some states took a significantly greater number of enforcement actions than others. This has been found in each survey conducted by AWI, dating to 2002. As illustrated in Figure 13, several states, including Iowa, Minnesota, North Carolina, North Dakota, Oklahoma, Texas, Utah, and Vermont, reported few NRs and/or no suspensions or threatened suspensions during the period 2019–2022. On the other hand, four states provided a relatively large number of records: Illinois with 70 NRs/MOIs and 9 suspensions/threatened suspensions, Montana with 98 NRs/MOIs and 19 suspensions and threatened suspensions/warnings, Ohio with 191 NRs and 52 suspensions/warnings, and Wisconsin with 185 NRs and 28 suspensions and threatened suspensions/warnings.

However, because the number of plants varies widely by state, the number of enforcement actions per plant must be calculated in order to compare enforcement rates. Figure 14 identifies Arizona, Georgia, Maine, Minnesota, Montana, North Dakota, and Wyoming as the states with the highest rate of NRs for humane violations for the period 2019–2022. States with the lowest rate of NRs during this period were Indiana, Mississippi, Missouri, North Carolina, Oklahoma, Vermont, and Virginia. States with the greatest increase in NRs compared to the 2016–2018 survey were Arizona, Georgia, Iowa, Maine, and Montana.

### **Violations Cited at State-Inspected Plants**

As in previous surveys of humane slaughter, AWI analyzed types of noncompliances cited at state-

inspected plants for the period 2019–2022 and compared those results with the previous results for the period 2007–2009. As illustrated in Figure 15, the proportion of citations for improper handling and for failure to maintain pens, grounds, or equipment has remained relatively stable. However, the percentage of violations for ineffective stunning quadrupled, from 14 percent to 56 percent, while the percentage of violations for failure to provide water and/or feed dropped by two-thirds. State inspectors cited a greater percentage of stunning violations compared to federal inspectors, while federal inspectors cited a greater percentage of humane handling violations. During the past decade, the general breakdown in types of violations at federal and state plants has become increasingly similar.

### **Repeat Violators Continue to Present a Serious Enforcement Problem**

As is the case with federal inspections, repeat violations have proved to be a problem at state-inspected plants in every enforcement survey conducted by AWI. Although the records show fewer repeated suspensions occurring at state plants than in the federal inspection program, the issuance of numerous NRs to a single plant is not unusual.

### **Lack of Criminal Prosecutions**

As mentioned above, criminal prosecution should be considered as one approach to deterring repeat violators, or those who commit egregious, willful acts of animal cruelty during handling or slaughter. At the state level, criminal prosecution is possible under state humane slaughter laws, as well as under state anti-cruelty laws. Nineteen of the 29 states with state meat inspection programs have state-level humane slaughter laws on the books. In addition, the animal cruelty laws of 26 of the 29 states theoretically allow for the prosecution of inhumane slaughter cases. (See AWI’s report, *Legal Protections for Farm Animals at Slaughter*, for additional information.) Unfortunately, since at least 2007, AWI has received no information indicating that a state has pursued criminal prosecution of an individual or company for engaging in inhumane slaughter.

Figure 14. Noncompliance Record Rate by State (2019–2022)

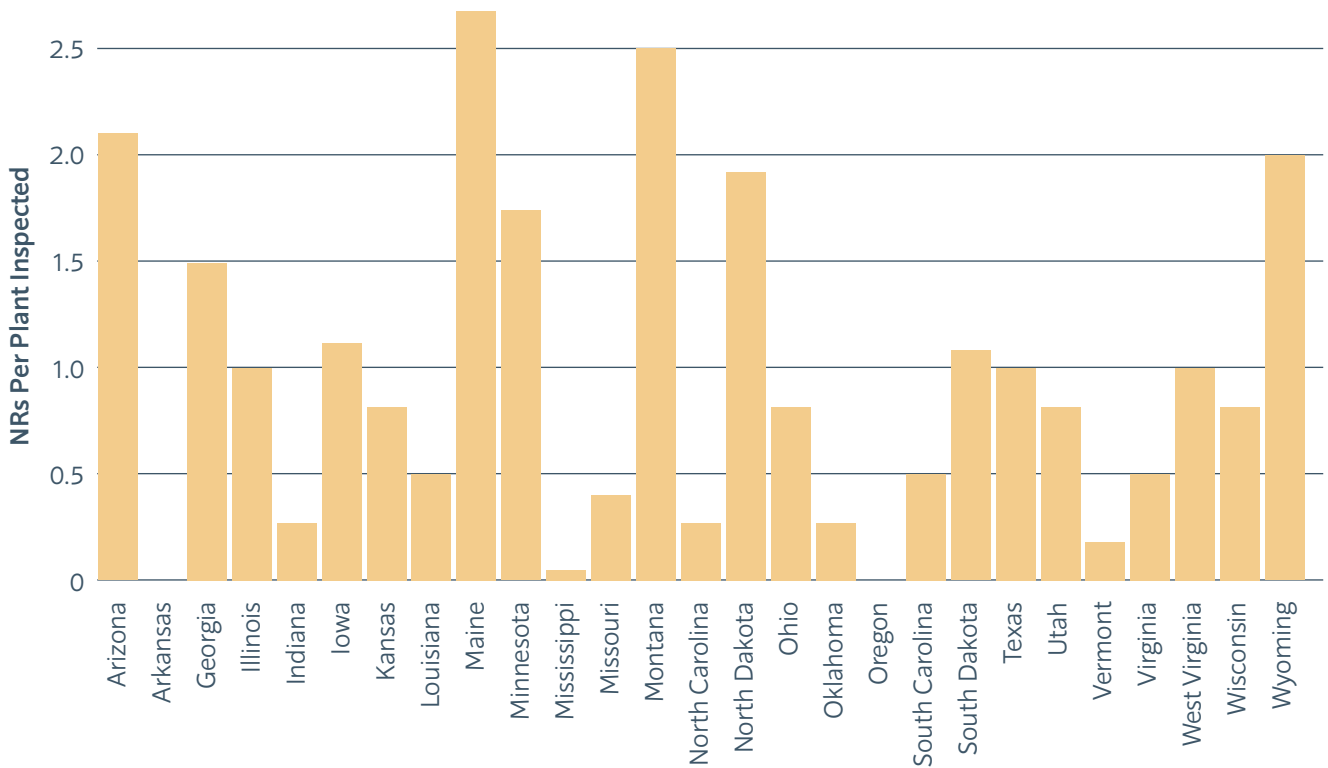
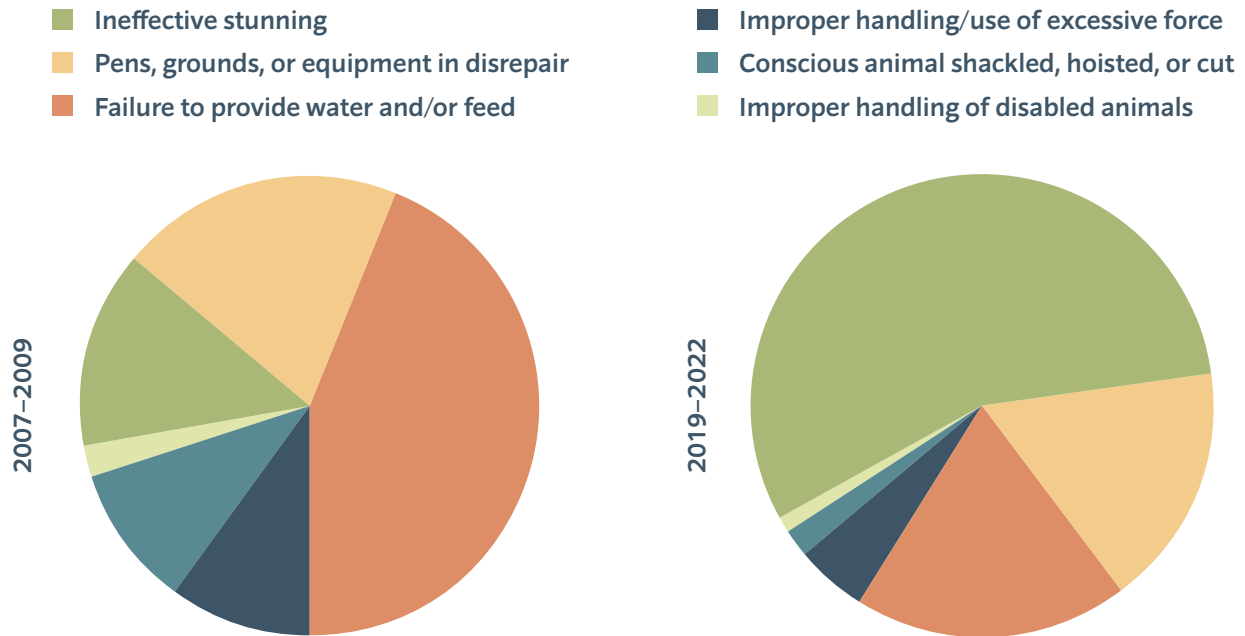


Figure 15. Types of Violations Cited at State-Inspected Plants (2007–2009 compared with 2019–2022)



## Comparing Federal and State Enforcement

In comparing federal and state humane slaughter enforcement efforts, AWI sought to answer the following questions:

- ✎ Do federal or state inspectors spend more time on humane slaughter oversight?
- ✎ Are violations more likely to be observed by federal or state inspectors?
- ✎ Are violations more likely to be reported by federal or state inspectors?
- ✎ When violations are reported, are federal or state inspectors more likely to take the most appropriate enforcement action?

### Who Spends More Time on Humane Handling?

Although it is possible to determine how much time federal and state inspectors spend on enforcing humane handling, interpreting and comparing the data is difficult. This is primarily because the amount of time spent per animal varies widely depending on the size of the slaughter establishment. Inspectors stationed at larger slaughter plants can readily observe far more animals at once. For example, according to FSIS Humane Handling Quarterly Reports, federal inspectors observe nearly 1,000 animals per hour (spending about 4 seconds per animal) in slaughter plants classified as “large,” but they observe only about 30 animals per hour (spending about 2 minutes per animal) in slaughter plants classified as “very small.” Records supplied to AWI by several states for previous reports suggest that inspectors at state plants spend even more time on each animal slaughtered, between 7 and 45 minutes per animal. Federal inspectors may spend a greater total amount of time on humane activities (because, as discussed above, unlike federally inspected slaughter facilities, state plants often do not operate every day, and they generally process far fewer animals). However, inspectors at state plants and smaller federal plants spend more time per animal.

### Who Observes More Violations?

Given the size of the slaughter plant and the proximity of inspectors to the areas of the plant where animals are handled and slaughtered, there is no question that

inspectors at state plants have greater opportunity to observe the treatment of individual animals. However, inspectors at federal plants—particularly large ones—likely observe more total violations because they witness the handling and slaughter of many more animals in an average shift.

### Who Reports More Violations?

For the period 2019–2022, inspectors at federal plants issued far more NRs, NOIEs, and NOSs/NROs than inspectors at state plants (Figure 16). However, the differences in plant size for federal and state inspection render a direct comparison inappropriate. Given that more than 90 percent of animals are slaughtered at federally inspected establishments, the citation rate is actually considerably higher at state plants.

### Who is More Consistent in Taking Appropriate Enforcement Actions?

Figure 16 compares federal and state enforcement. Historically, state programs issued far fewer of the more serious NOIEs and NOSs/NROs than the federal program in proportion to the number of NRs. However, the rate of suspensions and threatened suspensions for state programs has increased from 4 percent in 2009 to 10.8 percent during the period 2019–2022 (the rate increases to 14.7 percent if Letters of Warning and Letters of Concern are counted), while the federal rate for that period was 11 percent. (The federal suspension rate would have been lower if the large number of MOIs during the period—many of which should have been written up as NRs—were included.) The federal program also is similar to state programs in the percentage of total records that show inspectors taking a regulatory control action, such as slowing or stopping production, in response to observing a violation.

In conclusion, state inspectors spend more time on humane activities per animal slaughtered and likely observe and report more violations per animal. State and federal inspectors appear to respond in a similar manner to observing humane handling/slaughter violations. AWI has concluded that over the past 20 years, state enforcement has caught up with, and in some cases may even exceed, federal enforcement.

Figure 16. Federal vs. State Humane Slaughter Enforcement (2019–2022)

| Enforcement Action   | State | Federal |
|--|-------|---------|
| Memorandums of Interview (MOI)                                 | 80    | 772     |
| Noncompliance Records (NR)                                     | 1,237 | 2,910   |
| Notices of Intended Enforcement (NOIE)                         | 37    | 50      |
| Notices of Suspension (NOS)/Reinstatement of Suspension (NROS) | 96    | 270     |
| NOIE/NOS/ROS to NR rate  | 10.8% | 11.0%   |
| Letters of Warning (LOW) /Letters of Concern (LOC)*            | 49    | –       |
| NOIE/NOS/NROS to NR rate (with LOWs/LOCs)                      | 14.7% | –       |
| Noncompliance Records with Regulatory Control Action cited     | 29.2% | 31.7%   |

\* Missouri, Texas, and Wisconsin appear in some cases to be issuing Letters of Warning and/or Letters of Concern for egregious violations.

## Need for Updated Regulations

In 1979, the USDA adopted the current HMSA regulations in an attempt to address humane handling and slaughter at US slaughter establishments. Since that time, there have been numerous advances in the humane slaughter of livestock, including a greater understanding of the pain and stress experienced by animals at slaughter and wide recognition within the animal agriculture and slaughter industries of techniques to reduce animal suffering at slaughter. Nevertheless, over the last 45 years, the USDA has not once amended HMSA regulations for the purpose of preventing inhumane handling and/or slaughter.

This stands in contrast to other regulations related to animal welfare, such as those adopted under the federal Animal Welfare Act, Horse Protection Act, and Organic Foods Production Act, which have all been amended on multiple occasions following the passage of associated legislation.

Since the HMSA regulations were adopted in 1979, tens of thousands of incidents of inhumane handling at slaughter have been observed and documented by inspection personnel at federal and state slaughter plants. In 2013, AWI analyzed a sample of more than 1,000 of these incidents to identify the most common causes of inhumane slaughter. This review found that the following were the most frequent causes of inhumane incidents not adequately addressed by the HMSA regulations:

- ✎ Lack of worker training in humane handling techniques
- ✎ Use of inappropriate stunning devices
- ✎ Improper shot placement, often in connection with inadequate restraint
- ✎ Lack of routine testing and maintenance of stunning equipment
- ✎ Lack of functional backup stunning devices

## AWI's Petition to Update Regulations

In May 2013, AWI filed a rulemaking petition requesting that the USDA amend its HMSA regulations to add the following requirements:

- ✎ Every establishment shall develop a written, systematic humane handling plan in order to address the risks the HMSA seeks to mitigate.
- ✎ Establishment workers shall be trained in humane handling of animals prior to first coming in contact with any animal, and at regular intervals thereafter, and the training shall be recorded.
- ✎ If more than one stunning method is used at an establishment, guidelines shall be posted in the stunning area regarding the appropriate device with regard to kind, breed, size, age, and sex of the animal to produce the desired results.
- ✎ Guidelines shall be posted in the stunning area regarding the proper placement of mechanical stunning devices for all species of animals slaughtered at the establishment.
- ✎ Chemical, mechanical, and electrical stunning equipment shall be routinely tested and maintained, and the testing and maintenance shall be recorded.
- ✎ Establishments shall maintain loaded backup stunning devices in the holding and stunning areas of the plant; these devices shall be checked and cleaned at least weekly, and the routine maintenance shall be recorded.

AWI estimates that roughly half of all humane slaughter violations are associated with one or more of these deficiencies. This means that potentially thousands of humane slaughter incidents occurring over the past 11 years could have been prevented if AWI's petition had been granted in a timely manner. The following are examples of some of the reported egregious incidents related to just one of the issues identified by AWI, the lack of a functional backup stunning device:

- ✎ Wilmington Slaughter (M8609), in New Wilmington, PA, was suspended on January 29, 2020, for taking four attempts to effectively stun a large bull. After each of the first three attempts,



the animal was noted to be vocalizing loudly and thrashing in the stunning box. The establishment was using a single device—a small caliber rifle—for all four stunning attempts and received a suspension for not using a proper device based on the size of the animal being stunned.

- ✎ Chenoa Locker Inc. (M20855), in Chenoa, IL, was suspended on November 29, 2021, for taking a total of six attempts to render a cow insensible with a captive bolt device. After each ineffective shot, the plant worker reloaded the same device; no attempt was made to locate a backup stunning device. The animal bellowed throughout the process.
- ✎ BEF Foods Inc. (M952), in Hillsdale, MI, was issued a notice of intended enforcement for taking four attempts to effectively stun a nonambulatory sow in a holding pen. An establishment employee made three unsuccessful attempts to stun the sow using a single handheld captive bolt device. The animal remained conscious, attempting to move by thrusting herself forward with her front legs. Because no backup stunning device was available in the area, another worker left the area and returned with a different captive bolt.
- ✎ Davis Meat Processing LLC (M46734), in Jonesburg, MO, was suspended on September 12, 2022, for taking four attempts to stun a hog. No backup device was available, and all stunning attempts were made with a single handheld captive bolt gun.
- ✎ OCC Legacy Cuts (M47779), in Ekalaka, MT, was suspended on October 4, 2022, for shooting a steer six times before rendering the animal unconscious. After three unsuccessful attempts, the steer was hoisted by all four legs and stuck for bleeding. The animal rolled his eyes, vocalized, and tried to move away from the worker. Three more attempts were made before the animal was rendered insensible to pain. All stuns were made with a single captive bolt device, and the inspector did not observe a backup device.
- ✎ Lonsdale Fresh Meats LLC (M792), in Faribault, MN, was suspended on October 26, 2022, for taking three attempts to stun a large dairy heifer, with a lengthy delay between the second and third stuns. After two unsuccessful shots, the establishment

employee left the slaughter floor, went through the plant office and the adjoining restroom to a storage closet and retrieved a .410 shotgun. He then retrieved the ammunition from a small, unlocked box located in the office.

In December 2016, AWI filed a lawsuit against the USDA for its unreasonable delay in responding to the 2013 petition. AWI sued the USDA under the Administrative Procedure Act, which requires agencies to respond to citizen petitions for rulemaking within a reasonable time.

The USDA responded to the lawsuit in February 2017 by denying the petition. The denial letter explained that the USDA had decided against engaging in rulemaking at that time, while also stating that the department “continues to examine the issues addressed in [the AWI] petition to determine whether rulemaking would be warranted in the future.”

In denying AWI’s petition, the USDA expressed a preference for addressing humane slaughter through voluntary industry adoption of humane handling best practices—a longstanding USDA position.

#### **AWI’s Petition to Require Cameras in Cages Used to Stun Pigs with CO<sub>2</sub>**

In May 2023, AWI, along with several other animal protection organizations, again petitioned the USDA to reform its slaughter regulations. This time, the petition asked the USDA to require slaughter plants to install video cameras inside the gondolas (steel cages or compartments) used in carbon dioxide gas slaughter systems to stun and kill pigs. This requirement is necessary because slaughter plant inspectors are not able to see into the steel-walled confines of the gas chambers to observe pigs while they are being stunned. This contravenes the HMSA and the Federal Meat Inspection Act, which require inspectors to examine animals while they are being slaughtered to determine humane treatment. The USDA has not yet responded to the petition.

## Recommendations

AWI's recommendations for improving enforcement of the Humane Methods of Slaughter Act remain essentially unchanged since the 2010 report. AWI offers the following recommendations based on the organization's continued research into federal and state humane slaughter enforcement:

- ↘ **The USDA and state departments of agriculture should significantly increase their allocation of resources to humane handling and slaughter activities.** Inspection personnel should be permanently stationed in the stunning area of every plant; at a minimum, inspectors should observe the stunning process at least twice each shift.
  - ↘ **The USDA should continually analyze federal and state level enforcement activities to ensure the humane slaughter law is more consistently applied to plants of all sizes and locations across the country.** The USDA should more closely monitor both federal and state enforcement programs to assess whether inspector actions are consistent with the FSIS humane handling and slaughter directive, specifically that (1) for state and federal programs, MOIs are not issued when NRs are appropriate and NRs are not issued when NOIEs or NOSs/NROSSs are appropriate, and (2) for state programs, Letters of Concern/Warning are not issued when NOIEs or NOSs/NROSSs are appropriate.
  - ↘ **To address repeat violators and discourage future offenses, the USDA should establish a policy of escalating penalties, including longer suspension periods and more frequent withdrawals of inspection for repeated violations.** The USDA should monitor compliance with the repeat violator policy among states and federal district offices.
  - ↘ **As a further means of deterrence, the USDA and state departments of agriculture should cooperate with state and local law enforcement agencies in pursuing criminal animal cruelty charges for incidents of willful animal abuse.**
- The USDA should begin this process by developing guidelines for referring potential criminal animal cruelty cases, which should be incorporated into the FSIS humane handling and slaughter directive. The USDA should also grant the 2023 Animal Partisan petition to clarify law enforcement officials' authority to enforce state anticruelty statutes.
- ↘ **The USDA and state departments of agriculture should seek to improve the effectiveness of the district or regional veterinary specialist role and increase funding for this position** to provide in-plant personnel with greater access to humane slaughter expertise, and increase the frequency of audits—both scheduled and unscheduled—by qualified independent individuals.
  - ↘ **The USDA should continue to make slaughter plant inspection records—including MOIs, NRs, NOIEs, and NOSs/NROSSs—available on its website** to help educate the public about humane slaughter practices and to encourage slaughter plants to comply with humane slaughter requirements.
  - ↘ **The USDA should revise the federal humane slaughter regulations to address the most common causes of violations,** including requiring that all animal stunning devices be routinely tested, workers be formally trained in humane handling and slaughter, and functional backup stunning devices be available.

## Appendix

Figure 1. “Large” Livestock Slaughter Plants with the Most Humane Handling Incidents\* (2019–2022)

| Company Name             | Plant No. | Plant Location   | No. of MOIs | No. of NRs | No. of NOIEs/NOSs | Total Records |
|--------------------------|-----------|------------------|-------------|------------|-------------------|---------------|
| Swift Pork (JBS)         | M850      | Ottumwa, IA      | 249         | 14         | 2                 | 265           |
| JBS Souderton            | M1311     | Souderton, PA    | 1           | 57         | 0                 | 58            |
| Smithfield Fresh Meats   | M18079    | Tar Heel, NC     | 22          | 27         | 1                 | 50            |
| Long Prairie Packing     | M253      | Long Prairie, MN | 18          | 21         | 1                 | 40            |
| Smithfield Packaged Meat | M17D      | Sioux Falls, SD  | 9           | 27         | 1                 | 37            |
| FPL Food                 | M332      | Augusta, GA      | 0           | 33         | 3                 | 36            |
| JBS Plainwell            | M562M     | Plainwell, MI    | 2           | 27         | 1                 | 30            |
| JBS Green Bay            | M562      | Green Bay, WI    | 9           | 19         | 0                 | 28            |
| JBS Tolleson             | M267      | Tolleson, AZ     | 3           | 20         | 0                 | 23            |
| Swift Pork (JBS)         | M3W       | Worthington, MN  | 16          | 3          | 0                 | 19            |

\*Incidents are described in USDA enforcement records, including memorandums of interview (MOI), noncompliance records (NR), notices of intended enforcement (NOIE), and notices and reinstatements of suspension (NOS/ROS).

Figure 2. “Small” Livestock Slaughter Plants with the Most Humane Handling Incidents\* (2019–2022)

| Company Name             | Plant No. | Plant Location   | No. of MOIs | No. of NRs | No. of NOIEs/NOSs | Total Records |
|--------------------------|-----------|------------------|-------------|------------|-------------------|---------------|
| Charlie DiMaria & Sons   | M934      | Pico Rivera, CA  | 13          | 38         | 2                 | 53            |
| Cimpl’s                  | M2460     | Yankton, SD      | 21          | 18         | 2                 | 41            |
| Ida-Beef                 | M45948    | Burley, ID       | 2           | 29         | 3                 | 34            |
| F B Purnell Sausage      | M7464     | Simpsonville, KY | 0           | 28         | 1                 | 29            |
| Western Meat Processors  | M44824    | Mayaguez, PR     | 5           | 19         | 1                 | 25            |
| Huse’s Processing        | M13445    | Malone, TX       | 0           | 22         | 2                 | 24            |
| Abe’s Kosher Meats       | M48144    | Burley, ID       | 2           | 19         | 2                 | 23            |
| Westminster Meat Packing | M46498    | Westminster, VT  | 0           | 23         | 0                 | 23            |
| Premium Minnesota Pork   | M21069L   | Luverne, MN      | 19          | 3          | 0                 | 22            |
| Rhode Island Beef & Veal | M5300     | Johnston, RI     | 0           | 21         | 1                 | 22            |
| ZMDR LLC/Republic Foods  | M46017    | Lone Jack, MO    | 2           | 18         | 2                 | 22            |

\*Incidents are described in USDA enforcement records, including memorandums of interview (MOI), noncompliance records (NR), notices of intended enforcement (NOIE), and notices and reinstatements of suspension (NOS/ROS).

Figure 3. “Very Small” Livestock Slaughter Plants with the Most Humane Handling Incidents\* (2019–2022)

| Company Name                 | Plant No. | Plant Location   | No. of MOIs | No. of NRs | No. of NOIEs/NOSs | Total Records |
|------------------------------|-----------|------------------|-------------|------------|-------------------|---------------|
| Ida Meats                    | M46433    | Rupert, ID       | 61          | 2          | 0                 | 63            |
| Greise Brothers Packing      | M4271     | Cumberland, MD   | 1           | 25         | 2                 | 28            |
| JJ Meat                      | M4969     | Madera, CA       | 3           | 23         | 0                 | 26            |
| Creston Valley Meats         | M22095    | Creston, CA      | 1           | 23         | 2                 | 26            |
| Rising Spring Meat           | M44910    | Spring Mills, PA | 0           | 22         | 4                 | 26            |
| Spencer County Butcher Block | M44779    | Taylorsville, KY | 15          | 9          | 0                 | 24            |
| Meatworks                    | M46351    | Westport, MA     | 2           | 19         | 1                 | 22            |
| Northwest Premium Meats      | M11032    | Nampa, ID        | 2           | 17         | 3                 | 22            |
| Hamzah Slaughter House       | M10805    | Williamsport, MD | 4           | 16         | 0                 | 20            |
| Pudliner Packing             | M4999     | Johnstown, PA    | 0           | 16         | 4                 | 20            |

\*Incidents are described in USDA enforcement records, including memorandums of interview (MOI), noncompliance records (NR), notices of intended enforcement (NOIE), and notices and reinstatements of suspension (NOS/ROS).

Figure 4. Livestock Slaughter Plants with the Most Egregious Humane Handling Incidents\* (2019–2022)

| Company Name                              | Plant No. | Plant Location   | Plant Size | No. of Records |
|---|-----------|------------------|------------|----------------|
| AK’s Midstate Meats/Alaska Interior Meats | M40463    | North Pole, AK   | Very Small | 5              |
| Rising Spring Meat Co/Abattoir Associates | M44910    | Spring Mills, PA | Very Small | 4              |
| Pudliner Packing                          | M4999     | Johnstown, PA    | Very Small | 4              |
| Adams Farm Slaughterhouse                 | M5497     | Athol, MA        | Small      | 3              |
| Chenoa Locker                             | M20855    | Chenoa, IL       | Very Small | 3              |
| FPL Food                                  | M332      | Augusta, GA      | Large      | 3              |
| Haass’ Family Butcher Shop                | M8892     | Dover, DE        | Small      | 3              |
| Ida-Beef                                  | M45948    | Burley, ID       | Small      | 3              |
| Nordik Meat                               | M47261    | Viroqua, WI      | Very Small | 3              |
| Northwest Premium Meats                   | M11032    | Nampa, ID        | Very Small | 3              |
| Powell Meat                               | M51306    | Clinton, MO      | Small      | 3              |
| The Pork Company                          | M20608    | Warsaw, NC       | Small      | 3              |
| Wagner Meats                              | M10804    | Mount Airy, MD   | Small      | 3              |

\*Note: Some of the enforcement actions counted above may have been successfully appealed by the establishment. Information regarding the disposition of appeals is typically not provided by the USDA. The USDA defines “large” establishments as those with 500 or more employees, “small” establishments as those with between 10 and 499 employees, and “very small” establishments as those with fewer than 10 employees or annual sales of less than \$2.5 million.





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