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Docket Clerk  
U.S. Department of Agriculture (USDA), FSIS  
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(Submitted via [www.regulations.gov](http://www.regulations.gov))

**Re: Docket FSIS-2011-0012; Modernization of Poultry Slaughter Inspection, Proposed Rule**

To Whom It May Concern:

We write on behalf of the Animal Welfare Institute (AWI) and Farm Sanctuary, national non-profit organizations dedicated to reducing the suffering of animals, to submit comments on the proposed poultry slaughter inspection rule (Docket FSIS-2011-0012), noticed in the *Federal Register* on January 27, 2012.

The proposed change would expand the controversial HACCP-Based Inspection Models Project (HIMP) to allow all poultry slaughter plants to participate on a voluntary basis. According to the *Federal Register* notice announcing the rule change, the key elements of the new poultry slaughter inspection system include: (1) requiring slaughter plant personnel to conduct carcass sorting activities currently conducted by Food Safety and Inspection Service (FSIS) inspectors; (2) reducing the number of online FSIS carcass inspectors to one per line; and (3) permitting faster line speeds, up to a maximum of 175 birds per minute for young chicken slaughter plants and 55 birds per minute for turkey slaughtering establishments.

AWI and Farm Sanctuary have concerns about several aspects of the proposed changes. In short, we are concerned about the likely negative impacts of the program on animal welfare and on the health and safety of workers. These concerns will be described in brief below.

**Impact on Animal Welfare**

Absent from the 50-page *Federal Register* notice announcing the proposed rule is any mention of the potential ramifications of the proposed change on the billions of chickens and hundreds of millions of turkeys killed in U.S. slaughter establishments every year. Unfortunately, the proposed rule will

negatively impact the well-being of the birds being slaughtered through increased slaughter line speeds, a reduction in the number of on-site FSIS inspection personnel, and increased worker frustration leading to overt and intentional cruelty.

While USDA has determined that it does not have the authority to set humane slaughter regulations for birds, it has endorsed a “systematic approach” to poultry slaughter that includes “treating poultry in such a manner as to minimize excitement, discomfort, and accidental injury the entire time that live poultry is held in connection with slaughter.”<sup>1</sup> In a 2005 *Federal Register* notice, FSIS reminded poultry slaughter establishments that live birds must be handled in a manner that is consistent with good commercial practices, which means they should be treated humanely. The notice stated: “Although there is no specific federal humane handling and slaughter statute for poultry, under the PPIA [Poultry Products Inspection Act], poultry products are more likely to be adulterated if, among other circumstances, they are produced from birds that have not been treated humanely, because such birds are more likely to be bruised or to die other than by slaughter.”<sup>2</sup>

#### I. Increased slaughter line speeds will harm animal welfare.

The proposed rule will permit faster slaughter and evisceration speeds than are allowed under the current inspection systems, and this heightened speed increases the possibility that individual birds will be bruised or otherwise injured, and that birds will die other than by slaughter. Increased line speed poses a risk to animal welfare in the following ways:

- Workers stressed by the demands of increased speed may act out their frustrations by physically abusing live birds, resulting in injuries to birds like bruises and fractures.<sup>3</sup>
- Less time for shackling birds can lead to less care in handling and increased incidence of injuries like bruises and fractures.<sup>4</sup>

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<sup>1</sup> USDA, Food Safety and Inspection Service, Treatment of live poultry before slaughter, *Federal Register*, Sept. 28, 2005, pp. 56624-26.

<sup>2</sup> *Id.* District Veterinary Medical Specialists (DVMS), FSIS’ humane slaughter experts, are expected to periodically review poultry slaughter plants for humane handling, and to take appropriate enforcement action if problems are identified. See USDA, Food Safety and Inspection Service, *District Veterinary Medical Specialist (DVMS) Work Methods* (Rev. 1), Directive 6910.1, Dec. 7, 2009.

<sup>3</sup> Much anecdotal evidence exists that increased slaughter line speed leads to a higher incidence of inhumane handling and slaughter. For example, several animal advocacy organizations have conducted undercover investigations in slaughter plants that have documented improper handling – and in some cases wanton abuse – of live birds during the shackling/hanging process. See Compassion over Killing, *COK investigation exposes chicken industry cruelty*, video available at <http://www.cok.net/camp/inv/perdue/video.php>; People for the Ethical Treatment of Animals, *Tyson workers torturing birds, urinating on slaughter line*, video available at <https://secure.peta.org/site/Advocacy?cmd=display&page=UserAction&id=1121>; People for the Ethical Treatment of Animals, *Undercover at Pilgrim’s Pride*, video available at <http://www.peta.org/tv/videos/graphic/326116182001.aspx>.

<sup>4</sup> U.K. Department for Environment, Food and Rural Affairs (DEFRA), *The Welfare of Poultry at Slaughter or Killing*, Dec. 2007, p. 30. See also T. Grandin, Welfare during transport of livestock and poultry, in *Improving Animal Welfare: A Practical Approach*, T. Grandin (ed.), CABI, 2010, pp. 115-38. “The author has observed that rough

- Less time for birds to settle after being shackled can result in increased flapping at the entrance to the water-bath stunner, which can lead to pre-stun shocks, delayed or interrupted stunning and even birds missing the stunner altogether.<sup>5</sup>
- Less time in the water-bath stunner can result in inadequate stunning, which can lead to a greater number of birds missing the throat-cutting machine, which in turn can result in birds entering the scalding tank while still alive and dying other than by slaughter.<sup>6</sup>
- Faster line speeds will shorten the length of time available to administer a back-up stun if needed, which can lead to a greater number of birds missing the throat-cutting machine and entering the scalding tank while still alive and dying other than by slaughter.<sup>7</sup>
- A decreased bleed time can also result in more birds entering the scald tank alive and dying other than by slaughter.<sup>8</sup>

## II. A reduction in the number of online FSIS inspection personnel will harm animal welfare.

The Poultry Postmortem Inspection section of the FSIS Poultry Slaughter Inspection Training reference includes the following subsection on “Humane Methods”:

In poultry operations, employing humane methods of handling and slaughtering that are consistent with good commercial practices increases the likelihood of producing unadulterated product... Bruising is one condition that may result in condemnation (9 CFR 381.89). Bruises are likely to result when birds are not treated humanely. Moreover, the PPIA (21 U.S.C. 453(g)(5), as well as agency regulations (9CFR 381.90), provide that carcasses of poultry showing evidence of having died from causes other than slaughter are considered adulterated and condemned. The regulations also require that poultry be slaughtered in accordance with good commercial practices, in a manner that results in thorough bleeding of the poultry carcass, and ensures that breathing has stopped before scalding so that the birds do not drown (9 CFR 381.65(b)). Compliance with these requirements helps ensure that poultry are treated humanely... As an online inspector, it will be critical to notify the PHV when you observe cadaver birds at the post-mortem inspection station. The evidence of bright red cadaver birds means that the birds will [sic] still breathing prior to entering the scald vat. This indicates that the establishment is not adhering to good commercial practices and will result in the PHV documenting the noncompliance. You play a

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shackling is a major cause of bruised drumsticks. The people doing the shackling squeeze the legs too hard when they put the birds on the shackles. An understaffed shackle line where people have to hurry is one cause of bruised legs.” (p. 125)

<sup>5</sup> U.K. Department for Environment, Food and Rural Affairs (DEFRA), *The Welfare of Poultry at Slaughter or Killing*, Dec. 2007, p. 30. See also J. Gatcliffe, *Electrical Waterbath Stunning of Turkeys* (technical article), Aviagen Turkeys Ltd., no date.

<sup>6</sup> J. Gatcliffe, *Electrical Waterbath Stunning of Turkeys* (technical article), Aviagen Turkeys Ltd., no date.

<sup>7</sup> Federation of Veterinarians of Europe, *Welfare of Animals at Slaughter and Killing* (comment on new EU regulations), FVE/06/033, Oct. 2007, pp. 7-8.

<sup>8</sup> S. F. Bilgili, Recent advances in electrical stunning, *Poultry Science*, Vol. 78, pp. 282-86. See also J. Gatcliffe, *Electrical Waterbath Stunning of Turkeys* (technical article), Aviagen Turkeys Ltd., no date.

critical role in verifying good commercial practices by communicating your findings at the post-mortem inspection station to the PHV.<sup>9</sup>

This excerpt from the poultry inspection manual makes clear that online FSIS carcass inspectors play a critical role in ensuring that birds are treated humanely at slaughter. Consequently, decreasing the number of online FSIS carcass inspectors from three to one has the potential to significantly hamper the verification of good commercial practice by reducing the opportunity for signs of inhumane handling (bruises and broken limbs) and signs of inhumane slaughter (red cadaver birds) to be observed, reported, and dealt with in an appropriate and timely manner.

### **Impact on Worker Health and Safety**

As with animal welfare, the proposal gives inadequate attention to the issue of worker health and safety. It is widely acknowledged that the meat and poultry industry has one of the highest rates of injury and illness of any industry.<sup>10</sup> A 2005 study by the Government Accountability Office (GAO) noted that injury and illness rates in the slaughter industry can be affected by, among other factors, the speed of the production line.<sup>11</sup> According to the GAO report, FSIS sets maximum line speeds based on how quickly its inspectors can inspect carcasses, without regard to the health and safety of plant workers.<sup>12</sup>

The *Federal Register* notice states that FSIS recognizes that evaluation of the effects of line speed should include the impacts on employee safety. It goes on to say that FSIS has asked the National Institute for Occupational Safety and Health to evaluate the effects of increased line speed by collecting data from five non-HIMP plants that have been granted waivers from line speed restrictions. It is our understanding that this study will take one year to complete but has not yet even begun. While arranging this study is commendable, such a review should have been conducted long ago, and FSIS should not have proposed a change in the current inspection system prior to the study's completion.

In its fact sheet on line speeds, the American Meat Institute notes that if the line speed is increased, "the staffing typically will also have to be increased."<sup>13</sup> However, USDA does not regulate the number of workers on the slaughter line, and there are no guarantees that the poultry industry will voluntarily make any adjustments in staffing to account for the increased rate of slaughter. Increased line speed poses a risk to worker health and safety, and as noted in the previous section, workers stressed by the

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<sup>9</sup> USDA, Food Safety and Inspection Service, Poultry postmortem inspection, in *Poultry Slaughter Inspection Training*, Mar. 17, 2009, p. 5.

<sup>10</sup> U.S. Government Accountability Office, *Safety in the Meat and Poultry Industry, while Improving, Could be Further Strengthened*, GAO-05-96, Jan. 2005, pp. 3-4.

<sup>11</sup> *Id.* at 20. "Increasing mechanization can permit faster line speeds, which in turn can further stress workers, who must keep up with mechanical equipment." See also Human Rights Watch, *Blood, Sweat, and Fear: Workers' Rights in U.S. Meat and Poultry Plants*, Jan. 2005.

<sup>12</sup> U.S. Government Accountability Office, *Safety in the Meat and Poultry Industry, while Improving, Could be Further Strengthened*, GAO-05-96, Jan. 2005, p. 32.

<sup>13</sup> American Meat Institute, *Speeds in Meat and Poultry Plants* (fact sheet), Aug. 2009, p. 2.

demands of a faster pace may be more likely to respond by taking less care in handling birds, or by physically abusing birds.

### **Conclusion**

There is no evidence that FSIS has attempted to study the impact of increased slaughter line speed on the handling of live birds. This should be done prior to any changes being made in the current system. Like cattle, pigs and sheep – the animals currently covered by the Humane Methods of Slaughter Act – birds raised and slaughtered for food are sentient beings who suffer discomfort and stress from being inverted and hung by their extremities while conscious.

The *Federal Register* notice announcing the proposed changes to poultry inspection makes much of the economic benefits of the new system – reduced costs to the government and increased profits for the poultry industry. While improving food safety and making better use of inspection personnel are appropriate objectives for USDA to pursue, why is it necessary to allow the industry to benefit by cranking up the line speed, further burdening a production system that is already operating beyond the limits of worker health and safety and humane animal handling?

While USDA has declined to cover birds under the federal humane slaughter law, it has acknowledged that humane handling of birds at slaughter is “good commercial practice” under the Poultry Products Inspection Act, because employing humane methods of handling and slaughter increases the likelihood of producing unadulterated product. There is every indication that expanding HIMP to all poultry slaughter plants will negatively impact welfare for billions of birds. Therefore, we encourage USDA to reject the proposed rule change.

Respectfully submitted,



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