

July 26, 2016

Alfred Almanza
Deputy Under Secretary for Food Safety
Food Safety and Inspection Service
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250-3700

Re: Abandonment of birds at poultry slaughter establishments

## Dear Mr. Almanza:

I'm writing on behalf of Compassion Over Killing (COK) with regard to an important welfare issue affecting birds received at poultry slaughter establishments in the United States. Through undercover investigations of poultry slaughter plants, as well as public records recovered by the Animal Welfare Institute (AWI) through Freedom of Information Act requests, we have learned that many birds raised for their meat are routinely abandoned in the holding areas of slaughter plants. Abandoned birds are left for extended periods—sometimes days—in outdoor holding areas with no protection from weather extremes, with no relief from severely crowded transport conditions, and with no access to food or water. Unsurprisingly, this leads to extreme suffering and countless mortalities, despite that this problem is easily remedied.

Under the current regulatory scheme, Food Safety and Inspection Service (FSIS) inspection personnel may only advise—but cannot demand—that poultry slaughter establishments refrain from holding birds beyond a reasonable period. In fact, FSIS personnel cannot even cite slaughter establishments when hundreds, or even thousands, of birds are intentionally abandoned, against advise, and consequently die, because such abandonment is not a violation of existing regulations or policy.

Raising animals for food is a process fraught with welfare problems that generally do not have easy or obvious solutions. On the contrary, the senseless death of countless birds by abandonment is a rare problem that is easily redressed—FSIS regulations can be revised to empower FSIS personnel to prohibit intentional conduct that has the potential to cause birds to die "other than by slaughter." The governing statute, the Poultry Products Inspection Act (PPIA), considers death "other than by slaughter" to be a form of adulteration, and authorizes FSIS to promulgate those regulations necessary to effectuate the PPIA, which among other

carry out the provisions of [the Poultry Products Inspection Act].").

<sup>&</sup>lt;sup>1</sup> 21 U.S.C. § 453(g)(5) (stating that a poultry product is adulterated "if it is, in whole or in part, the product of any poultry which has died otherwise than by slaughter.").

<sup>2</sup> 21 U.S.C. § 463(b) ("The Secretary shall promulgate such other rules and regulations as are necessary to

things, prohibits "any act" to birds "being transported in commerce or held for sale" which "has the effect of causing such products to be adulterated."

Consequently, FSIS is already endowed with the authority necessary to prevent these senseless cases of bird abandonment and death. As such, COK strongly urges you to direct the Office of Field Operations and Office of Policy and Program Development to revise the relevant FSIS regulations and directives to enable FSIS inspection personnel to thwart future cases of abandonment at poultry slaughter establishments.

Sincerely,

Lisa Winebarger

Counsel

Compassion Over Killing

<sup>&</sup>lt;sup>3</sup> 21 U.S.C. § 458(a)(3) ("No person shall ... do, with respect to any poultry products which are capable of use as human food, any act while they are being transported in commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such products to be adulterated or misbranded.").