



Animal Welfare Institute

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October 18, 2023

Docket Clerk
Food Safety and Inspection Service
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250-3700

Submitted electronically via fsispetitions@usda.gov

RE: Support for Animal Partisan Petition (#23-07)

To Whom It May Concern:

Pursuant to 9 C.F.R. section 392.7, and on behalf of our supporters nationwide, the Animal Welfare Institute (AWI) submits the following comments on Petition #23-07 submitted on September 2, 2023, by Animal Partisan regarding the limitations of federal preemption of enforcement of state animal cruelty laws when animals are mistreated during slaughter.¹ AWI supports the petition and encourages the Food Safety and Inspection Service (FSIS) to review and grant it without delay.

We emphasize in particular the urgent need to clarify and explain the lack of preemption when it comes to the slaughter of poultry. Poultry welfare has long been a prominent concern for AWI because of the vast number of birds slaughtered each year (about 9.7 billion in 2022², compared to about 161 million cattle, hogs, and other mammals³), and because FSIS does not consider the Humane Methods of Slaughter Act to apply to poultry (*see, e.g.*, 70 Fed. Reg. 56,624, 56,624-25 (Sept. 28, 2005)). In the comments that follow, we explain why the Poultry Products Inspection Act (PPIA) does not generally preempt law enforcement or prosecution officials from enforcing state animal cruelty statutes in the context of poultry slaughter operations. We also provide examples of past and ongoing egregious mishandling of birds, explain why FSIS's current

¹ See Animal Partisan, Petition Requesting Notice Clarifying the Limits of Federal Preemption, and FSIS' Role in the Enforcement of State Anti-Cruelty Laws (Sept. 2, 2023),

https://www.fsis.usda.gov/sites/default/files/media_file/documents/23-07-AnimalPartisan-09022023.pdf.

² According to the U.S. Department of Agriculture's (USDA) National Agricultural Statistics Service (NASS), in 2022, approximately 9.5 billion chickens, 208 million turkeys, and 26 million ducks were slaughtered in the United States under federal inspection. See USDA NASS Poultry Slaughter 2022 Summary 5 (Feb. 2023).

³ See USDA NASS Livestock Slaughter 2022 Summary 56-57 (April 2023).

approach to reducing instances of mishandling poultry is not effective, and discuss AWI's previous attempts to inform and persuade FSIS to address this problem. Issuing the requested notice would be an important step toward improving the welfare of birds at slaughter and helping to hold accountable those companies and workers responsible for poultry abuse.

I. The PPIA Does Not Preempt Enforcement of State Laws that Prohibit Cruelty Toward Poultry.

In general, the PPIA and its implementing regulations do not preempt enforcement of state animal cruelty laws that address the mistreatment of poultry during slaughter. Preemption occurs when a federal law conflicts with—and therefore supersedes—a state law, pursuant to the Constitution's supremacy clause. *See* U.S. Const. art. VI, cl. 2. As the U.S. Supreme Court has explained:

The Supremacy Clause provides that “the Laws of the United States” (as well as treaties and the Constitution itself) “shall be the supreme Law of the Land . . . any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.” Congress may consequently pre-empt, *i.e.*, invalidate, a state law through federal legislation.

Oneok, Inc. v. Learjet, Inc., 575 U.S. 373, 376 (2015) (internal citations omitted).

The PPIA contains a preemption provision that prohibits states from imposing any requirements on federally inspected poultry slaughterhouses that are “within the scope” of the Act and that are “in addition to, or different than” the requirements imposed by the Act. 21 U.S.C. § 476e. This means that any state law governing poultry slaughter establishments that is within the scope of the PPIA and not “equivalent to” and “fully consistent with” the Act's provisions is invalid. *Bates v. Dow Agrosciences LLC*, 544 U.S. 431, 432 (2005).

As explained below, however, the PPIA and its regulations, as well as FSIS internal directives and policy statements, contain very few requirements relating to the humane treatment of poultry. Therefore, because the regulation of poultry welfare falls largely outside of the scope of the PPIA, states are afforded broad leeway to impose and enforce laws that prohibit poultry mishandling and abuse.

The statutory language of the PPIA itself makes no mention of humane treatment of poultry. Indeed, the U.S. Court of Appeals for the Ninth Circuit has found that the language of the Act “is silent on the topic of animal husbandry.” *Association des Éleveurs de Canards et D'Oies du Québec v. Becerra* (“Éleveurs”), 870 F.3d 1140, 1149 (9th Cir. 2017) (holding that California's ban on the practice of force-feeding ducks or geese to produce foie gras was not preempted by the PPIA); *see also Evolution Fast Food General Partnership v. HVFG, LLC*, No. 15 Civ. 6624, 2017 WL 4516821, at *7-*9 (S.D.N.Y. 2017).

Likewise, the Act’s implementing regulations contain few provisions related to poultry welfare or humane handling. They require poultry to be slaughtered in accordance with good commercial practices (GCP), but do not define GCP. *See* 9 C.F.R. § 381.65(b). The most direct reference to poultry welfare in the regulations is the requirement that “breathing has stopped prior to scalding.” *Id.* Thus, a state law that imposed a requirement related to the cessation of a bird’s breathing before entering the scalding tank could be preempted by the PPIA unless it was equivalent to and fully consistent with the PPIA’s provision. State laws regulating other aspects of poultry welfare, however, would not be preempted, because they would be outside the scope of this very narrow requirement.

FSIS does discuss the welfare of poultry in some non-regulatory materials, but the language it uses, and the non-binding nature of the materials, support the conclusion that the humane treatment of poultry generally falls outside the scope of the PPIA. For example, in 2005, FSIS issued a Federal Register notice explaining that “live poultry must be handled in a manner that is consistent with good commercial practices, which means they should be treated humanely.” 70 Fed. Reg. at 56,624 (emphasis added). The issuance of a non-binding notice (rather than an enforceable regulation), and the use of “should” (rather than “must”), evince the agency’s view that humane treatment of poultry is generally not a requirement within the PPIA. The only aspect of humane handling that the notice indicates is mandatory is that poultry be slaughtered in a manner that “ensures that breathing has stopped before scalding so that the birds do not drown,” in reference to the regulation discussed above. *Id.* (citing 9 C.F.R. § 381.65(b)).

Similarly, FSIS internal directives do not suggest that humane handling is required by the PPIA. FSIS Directive 6110.1 *Verification of Poultry Good Commercial Practices* describes GCP as including “the employment of humane methods of handling and slaughtering.” *Id.* at § II.A. (July 3, 2018). But, according to the directive, poultry should be handled humanely not because federal law requires it, but because it “increases the likelihood of producing unadulterated product.” *Id.*

As with the 2005 notice, the only clear welfare-related requirement acknowledged in Directive 6110.1 is that poultry must not enter the scalding tank before their breathing has stopped. *Id.* at § II.A. But even then, the directive makes clear that inspection personnel are to consider it a regulatory violation only when there are repeated instances of birds entering the scalding tank and there is a loss of control of the slaughter process. *Id.* at § IV.B. When only a small number of birds are scalded alive, or it is an isolated or apparently unintentional incident, inspection personnel are instructed to merely have a discussion about it with establishment management and document it as a “memorandum of interview” (MOI). *Id.* at § IV.C. In such cases, no regulatory control actions are required.

If an MOI documents a particularly egregious case of abuse—whether as a result of a bird entering the scalding tank or some other form of mistreatment—inspection personnel are directed to send a “letter of concern” (LOC) to slaughter plant management and “appropriate” state officials. *Id.* at § V.B. Similarly, Directive 6910.1 *District Veterinary Medical Specialist (DVMS) – Work*

Methods authorizes DVMSs to “notify appropriate State officials of findings that could be in violation of State and local animal welfare codes,” because “there is no specific regulation or Federal humane handling and slaughter statute for poultry.” *Id.* at Part Five § III. These provisions—which actually contemplate and encourage state involvement in ensuring that poultry are treated humanely—indicate that FSIS does not perceive state enforcement of animal cruelty laws that relate to mistreatment of poultry during slaughter as preempted by the PPIA or any other federal statute or regulation.

Moreover, the statutory text of the PPIA itself recognizes that states have an important role to play in the field of poultry inspection. For example, if a poultry slaughter plant is found to be producing adulterated products that pose a threat to public health for distribution within the state, the law directs the Secretary of Agriculture to “notify the Governor of the State . . . of such fact for effective action under State or local law.” 21 U.S.C. 454(c)(1). As the Court in *Éleveurs* noted, “Because the PPIA itself contemplates extensive state involvement, Congress clearly did not intend to occupy the field of poultry products.” *Éleveurs*, 870 F.3d at 1152. For these reasons, the PPIA generally does not preempt or preclude enforcement of state laws requiring the humane treatment of poultry during slaughter.

II. Poultry Are Frequently Mishandled and Abused in Slaughter Plants.

It is important to recognize that the mistreatment of poultry during slaughter is a serious and ongoing problem. Decades of undercover investigations and FSIS’s own records clearly demonstrate that instances of cruelty and neglect toward poultry in slaughterhouses—often involving egregious mishandling and abuse—are all too common and continue to occur. Attached to these comments is a list of dozens of examples of animal protection organizations documenting and publicizing atrocious treatment of chickens, turkeys, and ducks in slaughter facilities across the country over the last twenty years.⁴

In these incidents, live animals had their heads, legs, feathers, and wings ripped off. They were stomped to death, run over with vehicles, flung through the air, smashed against metal rails, drop-kicked as if they were footballs, sprayed in the eyes with aerosol paint, and dumped and left in trash bins and condemn barrels to be buried alive. They were roughly shoved into shackles, crushed and mangled by conveyor belts and other machinery, sat on, punched, beaten, and swung like baseball bats against hard objects. They were piled in suffocating heaps on top of each other and left for hours or days in transport crates, unprotected from extreme weather, without food or water, to suffer and die from exposure. Unknown thousands entered scald tanks alive, where they burned and drowned to death.⁵

The incidents described in Figure 1 are just occurrences that were made public. They undoubtedly represent a mere fraction of the total number of times that birds—sometimes one or two, and sometimes hundreds or thousands in a single incident—are grievously mistreated in

⁴ See Appendix, Fig. 1.

⁵ *Id.*

slaughter plants each year. But even from this relatively small sample size, it is clear that birds at slaughter have long been, and continue to be, severely and cruelly abused. And this cruelty will continue unless FSIS does much more to hold the companies and workers responsible to account.

III. FSIS's Efforts to Reduce Cruelty and Neglect toward Poultry Have Been Ineffective.

FSIS's current approach to addressing poultry mishandling is failing to prevent abusive treatment and to hold slaughter plant companies and workers accountable. According to FSIS inspection records reviewed by AWI, hundreds of GCP violations have continued to occur each year, with 979 violations recorded between 2020 and 2022.⁶ Further, of those 979 violations, only 12 percent (119) involved an FSIS inspector taking a regulatory control action (such as slowing or stopping the slaughter line).⁷

In addition, the agency has done little to encourage criminal prosecution of slaughter companies and their employees for egregious instances of inhumane handling. As discussed above in Section I, an LOC or similar correspondence is the only mechanism authorized by FSIS directives that enables inspection personnel to contact state officials about poultry mistreatment. Yet this tool has gone essentially unused. To the best of AWI's knowledge, out of hundreds of slaughter plants processing billions of chickens and other poultry each year, only 14 LOCs were issued between 2014 and 2022.⁸ Six of those were issued in 2014, and 11 were issued from a single district office (Jackson). During that time, only the Jackson, Dallas, and Philadelphia district offices issued LOCs. None of the remaining seven district offices issued any.

Confusingly, of the LOCs that were sent, the only state officials who received them were state veterinarians or state boards of animal health. None of the letters were sent to law enforcement or prosecution offices. Nor did any of the letters indicate that the mistreatment at issue could potentially constitute a violation of the state's animal cruelty laws. In effect, over nearly the last decade, FSIS policies and procedures appear to have wholly failed in alerting local law enforcement to the possibility that numerous, egregious instances of poultry mistreatment in their jurisdictions may have warranted criminal investigation.

What is more, of the 42 incidents listed in Figure 1 of the Appendix, AWI is aware of only one case in which charges for cruelty were brought: Mercy for Animals' 2015 investigation of a Tyson Foods plant in Carthage, Mississippi, where a total of 33 animal cruelty charges were filed against seven plant workers.⁹ While poultry companies have suspended or fired workers shown on undercover video intentionally abusing birds, criminal consequences—for workers and

⁶ See USDA, FSIS, Inspection Task Data, Poultry Good Commercial Practices Inspection Task (Current) and (Archive), <https://www.fsis.usda.gov/science-data/data-sets-visualizations/inspection-task-data>.

⁷ *Id.*

⁸ See Appendix, Fig. 2.

⁹ See Marsha Thompson, *33 counts of animal cruelty field against Tyson Foods and 6 Carthage plant workers*, WLBT3 Jackson (Oct. 28, 2015), <https://www.wlbt.com/story/30377019/33-counts-of-animal-cruelty-filed-against-tyson-foods-and-6-carthage-plant-workers/>.

companies—remain exceedingly rare. To effectively deter and discourage cruel behavior, and meaningfully improve the welfare and handling of birds at slaughter, this must change.

IV. AWI's Previous Efforts to Persuade FSIS to Address This Problem

AWI has repeatedly urged FSIS to take action to hold slaughter establishments and workers accountable for cruel treatment of poultry. In May 2016, AWI wrote a letter to FSIS Deputy Under Secretary for Food Safety Alfred Almanza explaining that, according to the agency's own enforcement records, thousands of birds had recently died because they had been left in holding areas awaiting slaughter for days at a time during extreme weather conditions, without food or water.¹⁰ AWI asked the agency to adopt regulations to prohibit this behavior. The letter also asked the agency to revise its internal directives to instruct inspection personnel to notify state officials that animal cruelty may have occurred and should be investigated for potential prosecution.

In August 2018, AWI wrote again, this time to Acting FSIS Administrator Paul Kiecker, and explained that, out of more than 50 incidents that had occurred during the previous two years where birds were knowingly mistreated or neglected—either during holding at the slaughterhouse or while being transported to it—only one had triggered the preparation of an LOC.¹¹ The letter urged FSIS to issue LOCs in all cases where egregious mistreatment occurs, and to ensure that LOCs explain to state officials that FSIS does not take any enforcement action in response to egregious instances of bird mistreatment and that state law enforcement agencies should investigate whether criminal prosecution should be considered.

Most recently, in September 2021, AWI wrote to FSIS Assistant Administrator Dr. Philip Bronstein to notify him of two cases of severe neglect of birds at slaughter plants in Minnesota, as documented in FSIS's own inspection records.¹² In the first situation, at a Butterfield Foods plant in Butterfield, more than 2,500 chickens died from exposure to high temperatures in June 2021, about 9,500 birds died from exposure to extreme heat in August 2020, and about 9,000 hens froze to death in transport trailers due to extreme cold in February 2020. In the second situation, at a Jennie-O plant in Melrose, hundreds of turkeys suffered and perished due to extreme weather in April, May, and June 2021. The letter notified Dr. Bronstein that AWI had referred the two cases of mistreatment to local officials for possible prosecution. We asked FSIS, again, to ensure that LOCs are issued for such egregious instances of mishandling, and requested that FSIS clarify in the LOCs that: 1) FSIS takes the position that it has no statutory authority over bird treatment unless it results in a loss of process control; and 2) the incident described may represent a violation of the state's animal cruelty statute.

¹⁰ Letter from Dena Jones to Alfred Almanza (May 26, 2016), https://www.fsis.usda.gov/sites/default/files/media_file/2020-08/16-05-AWI-Petition-052616.pdf.

¹¹ Letter from Dena Jones to Paul Kiecker (Aug. 9, 2018), <https://awionline.org/sites/default/files/uploads/documents/Letter-to-USDA-on-bird-abandonment-Aug-2018.pdf>.

¹² Letter from Dena Jones to Philip Bronstein (Sept. 13, 2021), <https://awionline.org/sites/default/files/uploads/documents/Letter-to-FSIS-on-requests-for-local-prosecution-Sep-2021.pdf>.

FSIS has taken no action in response to any of these requests.

V. Conclusion

Inhumane treatment and abuse of poultry during slaughter continues to be a major problem and source of great suffering for countless chickens, turkeys, and ducks each year. For the reasons explained above, we support Animal Partisan's petition, and we especially urge FSIS to clarify that the PPIA and its regulations do not preempt local law enforcement and prosecution offices from enforcing state animal cruelty statutes when cruelty toward poultry occurs during slaughter. Issuing a formal notice to that effect would be an important step toward reducing animal suffering, by helping to hold accountable slaughter establishments and employees involved in the mistreatment of poultry.

Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zack Strong', with a stylized flourish at the end.

Zack Strong
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Appendix

Figure 1. Incidents of Mistreatment of Poultry at Slaughter Publicized by Animal Protection Organizations¹ (2003 – 2022)

Date of Publication	Organization	Source of Evidence of Mistreatment	Plant Name (and Number²)	Plant Location	Date of Incident(s)³ and Summary of Mistreatment
Feb. 2003	People for the Ethical Treatment of Animals (PETA)	Whistleblower	Tyson Foods (P27)	Grannis, AR	Between July 1997 and Nov. 2002: -Workers ripped off the heads, legs, and wings of live birds -Stomped birds to death -Ran over birds with forklifts -Blew apart live birds with dry-ice “bombs” ⁴
July 2004	PETA	Undercover investigation	Pilgrim’s Pride (P810)	Moorefield, WV	Between Oct. 2003 and May 2004: -Workers smashed live birds against a metal rail to decapitate them -Drop kicked birds as if they were footballs -Sprayed them in the eyes with aerosol paint -Dumped injured birds in a trash bin to die
Oct. 2004	Compassion over Killing (COK (now Animal Outlook))	Undercover investigation	Perdue Farms (P764)	Showell, MD	Between Sept. 16 and Oct. 1, 2004: -Live chickens were thrown down the slaughter line and their legs roughly shoved into shackles -Injured birds abandoned to die on the conveyor belt and elsewhere on the grounds of the plant
May 2005	PETA	Undercover investigation	Tyson Foods	Heflin, AL	Between Dec. 2004 and Feb. 2005: -Conscious birds entered the scald tank -Workers ripped conscious birds’ heads off -Birds were mangled by malfunctioning throat-cutting equipment
Sept. 2006	PETA	Undercover investigation	Butterball (P511)	Ozark, AR	Between April and July 2006: -Workers decapitated birds, sat on birds, punched and kicked birds, swung birds

¹ This list is not intended to be comprehensive. Instead, it is meant to provide a representative sample of instances of cruelty toward poultry as documented and publicized by animal protection organizations over the last two decades.

² Plant numbers have been included when known.

³ The date(s) that the incident(s) occurred have been included where known or different from the date that the incidents were made public.

⁴ For more information about the incidents that were publicized between Feb. 2003 and May 2007, *see* DENA JONES, ANIMAL WELFARE INSTITUTE, CRIMES WITHOUT CONSEQUENCES: THE ENFORCEMENT OF HUMANE SLAUGHTER LAWS IN THE UNITED STATES 77-80 (2008).

					like baseball bats into handrails, threw carcasses at live birds hanging from shackles, and broke the limbs of conscious birds
May 2007	Mercy for Animals (MFA)	Undercover investigation	House of Raeford Farms	Raeford, NC	Between Jan. and Feb. 2007: -Worker violently punched live turkeys -Birds were thrown across the facility -Workers ripped the heads off live turkeys -Live birds were crushed under the wheels of trucks
Nov. 2014	MFA	Undercover investigation	Koch Foods (P7487)	Chattanooga, TN	-Workers violently threw and kicked birds during catching -At the slaughter plant, live birds entered the scald tank ⁵
Jan. 2015	Humane Society of the United States (HSUS)	Undercover investigation	Butterfield Foods (P215)	Butterfield, MN	Between Sept. and Dec. 2014: -45 live birds entered scald tank in less than 30 minutes -Workers jabbed metal hooks into transport cages to remove the birds -Sick and injured birds were thrown against the live hang wall or tossed into the trash
March 2015	MFA	Undercover investigation	Wayne Farms (P445)	Dobson, NC	-Sick and injured birds, including some with broken bones, were shackled on the line for slaughter -A worker intentionally suffocated a bird
April 2015	COK	Undercover investigation	Mountaire Farms (P7470)	Robeson County, NC	Between March and April 2015: -Workers aggressively punched, shoved, and pushed shackled birds, intentionally ripped feathers out of birds, and threw live birds into piles of dead birds
June 2015	MFA	Undercover investigation	Foster Farms (P6137A)	Fresno, CA	Between March and April 2015: -Birds were punched, thrown, and beaten during shackling -Workers intentionally ripped feathers out of live birds
Sept. 2015	Animal Legal Defense Fund	Undercover investigation	Tyson Foods (P7044)	Carthage, TX	In the summer of 2015: -Birds were intentionally suffocated on the conveyor belt -Some birds were crushed by machinery -A belt malfunction caused the deaths of 200-300 birds
Oct. 2015	MFA	Undercover	Tyson Foods	Carthage,	-Workers threw, shoved, and punched

⁵ For more information about the incidents published between Nov. 2014 and March 2020, *see* ANIMAL WELFARE INSTITUTE, THE WELFARE OF BIRDS AT SLAUGHTER IN THE UNITED STATES: THE NEED FOR GOVERNMENT REGULATION 14-15 (2020).

		investigation	(P758)	MS	live birds during shackling -The heads of shackled birds were pulled off while alive
June 2017	HSUS	Undercover investigation	Pilgrim's Pride (P584)	Mt. Pleasant, TX	In May 2017: -Workers violently slammed the legs of chickens into shackles, hit birds while they were immobilized in the shackles, and flung birds into shackles from a far distance
Dec. 2017	COK	Undercover investigation	Tyson Foods (P806)	Temperanceville, VA	-Catching crews threw chickens into overcrowded crates for transport -Birds were run over by forklifts
Nov. 2018	COK	Undercover investigation	Amick Farms (P7927)	Hurlock, MD	-Birds arrived at the slaughterhouse in overcrowded transport trucks -Birds were punched and thrown onto the conveyor belt for shackling -Birds became stuck in machinery due to equipment failure -Birds drowned in the scald tank
March 2020	Slaughter Free Chicago	Undercover investigation and observations by members of the public	Ciales Poultry (P21709)	Chicago, IL	-Birds arrived at the slaughterhouse in crates without protection from outside elements -Many birds exhibited injuries on their wings and legs -Some birds were dead or dying upon arrival -Workers were shown slamming crates containing live birds on top of one another
April 5, 2021	PETA	FSIS inspection records	Farbest Foods, Inc. (P7769)	Huntingburg, IN	On Jan. 20, 2020: -At least 20 turkeys were killed when workers stacked approx. 50 of the birds in 2 or 3 layers into each of two crates before leaving for a break
April 6, 2021	PETA	FSIS inspection records	Coastal Processing, LLC (P6519B)	Jefferson County, GA	Between Jan. 2020 and March 2020: -300 chickens died after more than 25,000 were held on transport trucks without food for approx. 48 hours -live chickens entered scalding on multiple occasions -a chicken was smothered and crushed in a pile of dead birds on the floor
April 7, 2021	PETA	FSIS inspection records	OK Foods, Inc. (P165S)	Fort Smith, AR	Between Jan. 2020 and March 2020: -Thousands of chickens were held on transport trucks without food or water for 37 hours -Four live chickens were thrown, with a side-arm motion, into a cage

April 8, 2021	PETA	FSIS inspection records	Allen Harim Foods, LLC (P935)	Harbeson, DE	Between Jan. 2020 and March 2020: -Numerous instances of live chickens entering scalding -Live birds were buried in piles of dead birds -Chickens were found dead in water in a drain, where they had evidently drowned
April 8, 2021	PETA	FSIS inspection records	Southern Hens, Inc. (P17766)	Jones County, MS	Between Jan. 2020 and April 2020: -Five live chickens entered the scald tank -A live chicken was run over by a truck -Workers tossed crates of live chickens off trailers about 6 feet onto a conveyor belt
April 12, 2021	PETA	FSIS inspection records	House of Raeford (P510 & P737)	Duplin County, NC	Between Jan. and March 2020: -A live chicken entered the scald tank while the worker responsible for cutting its throat was “dozing” -A live bird was found buried by dead birds in the DOA bin
April 13, 2021	PETA	FSIS inspection records	Butterfield Foods Company (P215)	Butterfield, MN	On Feb. 21, 2020: -More than 9,000 of 25,000 chickens died when they were left on three transport trailers in an unheated, three-sided shed overnight as air temperatures dropped to -17°F and wind chill to -32°F
April 13, 2021	PETA	FSIS inspection records	Peco Foods, Inc. (P6504)	Tuscaloosa, AL	Between Jan. 2020 and March 2020: -On multiple occasions, live birds entered the scald tank
April 14, 2021	PETA	FSIS inspection records	Pilgrim’s Pride Corp. (P40)	Ellijay, GA	On April 9, 2020: -A plant worker forcefully threw a small, live chicken into a barrier, killing the bird
April 15, 2021	PETA	FSIS inspection records	Jennie-O Turkey Store Sales, LLC (P551 & P579)	Austin, MN	Between Jan. 2020 and March 2020: -Turkeys sustained broken wings and legs among other severe injuries due to rough handling
April 20, 2021	PETA	FSIS inspection records	George’s Foods, LLC (P2186)	Shenandoah County, VA	Between Jan. 2020 and May 2020: -More than 2,500 chickens died after being left outside in trailers overnight exposed to cold temperatures -One bird was crushed by a truck -Chickens were found buried alive in a large pile of dead birds -Multiple live birds were burned to death or drowned in scald tank
July 21, 2022	PETA	Whistleblower tip and FSIS	Lincoln Premium	Fremont, NE	On June 17, 2022: -Approximately 1,000 birds were

		inspection records	Poultry (P48304)		burned alive after the transport truck caught fire -1,500 birds were also injured by the incident and euthanized
Sept. 2021	Direct Action Everywhere (DxE)	Undercover investigation	Foster Farms (P6137)	Livingston, CA	Between Aug. 2021 and Sept. 2021: -Birds were thrown to the ground and slammed against walls -Sick and injured birds were left to suffer in condemned barrels -Birds were buried beneath other birds
Sept. 13, 2021	Animal Welfare Institute (AWI)	FSIS inspection records	Jennie-O Turkey Store (P544)	Melrose, MN	Between April and June 2021: -Multiple instances of turkeys left for hours in transport trailers under direct sun in temperatures exceeding 90 degrees
Sept. 13, 2021	AWI	FSIS inspection records	Butterfield Foods Company (P215)	Butterfield, MN	In June 2021: -More than 2,500 birds died from exposure to temperatures in excess of 90 degrees in a trailer that was abandoned overnight with no heat abatement -The incident continued a pattern of similar instances of hundreds or thousands of birds dying due to exposure to extreme weather since 2018
Jan. 20, 2022	PETA	FSIS inspection records	Agri Star Meat and Poultry, LLC (P4653A)	Postville, IA	On July 8, 2021: -317 chickens smothered after being continually piled four chickens deep onto a malfunctioning belt On August 12, 2021: -An undisclosed number of birds died when the exact same problem occurred again
Jan. 21, 2022	PETA	FSIS inspection records	Pilgrim's Pride Corporation (P322)	Cold Spring, MN	On May 20, 2021: -190 chickens died after a container carrying hundreds of chickens flipped on its side
Jan. 24, 2022	PETA	FSIS inspection records	Kraft Heinz Foods Company (P9070)	Newberry County, SC	On July 7, 2021: -Numerous turkeys died from overcrowding and heat stress -The cages were so overcrowded that the turkeys died standing up
Jan. 24, 2022	PETA	FSIS inspection records	Marble City Meats, LLC (P46070)	Talladega County, AL	On August 16, 2021: -16 turkeys died on trailer from heat stress
Jan. 25, 2022	PETA	FSIS inspection records	Joe Jurgielewicz & Son, Ltd. (P7875)	Berks County, PA	On July 9, 2021: -Ducks were thrown approximately three feet to get them closer to the conveyor -Slow and injured ducks were thrown into the back of a truck

			Birdsboro Kosher Farms Corp. (P45134)		<p>On July 26, 2021:</p> <ul style="list-style-type: none"> -Approximately 250 chickens died from heat stress after being left in almost 90°F weather -Chickens were flung by their necks into cages
Jan. 26, 2022	PETA	FSIS inspection records	Perdue Foods, LLC (P764) (P1243) (P9197) (P18285)	Salisbury, MD Lewiston Woodville, NC Rockingham, NC Dillon, SC	<p>Between May and Sept. 2021:</p> <ul style="list-style-type: none"> -Chickens were left to drown in electrified water as the line stopped leaving their heads submerged -Live birds were buried under dead birds - A live bird was left in a vat of dead birds for at least two days -A bird had its beak impaled by a cage bar -One small, live bird was completely buried underneath fecal matter and other chicken's feet -Multiple birds entered the scald tank alive
Jan. 27, 2022	PETA	FSIS inspection records	George's Processing, Inc. (P208)	Springdale, AR	<p>In April 2021:</p> <ul style="list-style-type: none"> -Two chickens were left on transport trailer without food or water for at least three days and they were exposed to temperatures between 34-81°F <p>On June 15, 2021:</p> <ul style="list-style-type: none"> -Five live chickens were found buried in a container of 100-150 dead chickens
April 11, 2022	PETA	FSIS inspection records	Northern Pride, Inc. (P425)	Thief River Falls, MN	<p>In Nov. 2021:</p> <ul style="list-style-type: none"> -Turkeys were left on transport truck trailer for three days without food, water, or care after the truck flipped on its side.
April 12, 2022	PETA	FSIS inspection records	Case Farms (P15724)	Paint Township, OH	<p>On Dec. 17, 2021:</p> <ul style="list-style-type: none"> -A chicken was shackled by the legs and punched in the chest
July 21, 2022	PETA	Whistleblower tip and FSIS inspection records	Lincoln Premium Poultry (P48304)	Fremont, NE	<p>On June 17, 2022:</p> <ul style="list-style-type: none"> -Approximately 1,000 birds were burned alive after the transport truck caught fire -1,500 birds were also injured by the incident and euthanized

Figure 2. Letters of Concern Issued by FSIS Office of Field Operations¹ (2014 – 2022)

LOC Date	Plant Name (and Number)	Plant Location	FSIS OFO District Office	Summary of Documented Mistreatment
7/10/2014	Pilgrim's Pride Corp. (P5787)	Natchitoches, LA	Dallas	-High numbers of birds dead on arrival (DOA) due to extreme cold -Live birds found underneath DOAs in transport bins -High number of cadavers (live birds drowned in scald tank)
7/10/2014	Pilgrim's Pride Corp. (P6638)	Enterprise, AL	Jackson	-Multiple instances of live birds entering scald tank
10/7/2014	Peco Foods, Inc. (P6504)	Tuscaloosa, AL	Jackson	-Employee used shackle to decapitate live bird, then hung decapitated bird in shackle -Recurring instances of live birds stacked in layers on conveyor belts, putting them in jeopardy of being crushed or smothered
11/12/2014	Equity Group, Eufaula Division, LLC (P20322)	Bakerhill, AL	Jackson	-Multiple instances of birds being caught, injured, and killed in conveyor belt machinery
11/19/2014	JCG Foods of Alabama (P548)	Collinsville, AL	Jackson	-Recurring instances of high numbers of DOAs due to cold temperatures
11/20/2014	Pilgrim's Pride Corp. (P6638)	Enterprise, AL	Jackson	-Recurring instances of high numbers of DOAs due to cold temperatures
7/21/2017	Pilgrim's Pride Corp. (P206)	Nacogdoches, TX	Dallas	-Large numbers of DOAs due to malfunctioning catch equipment and overcrowding of birds in transport cages
3/11/2019	Mar-Jac Poultry-MS (P517)	Hattiesburg, MS	Jackson	-Live birds observed in DOA pile -Live birds entering scald tank -Injured and distressed birds in damaged cages -Birds piled up and thrown at dump system -Birds left unprotected in hot weather -Live bird run over by a truck
3/13/2020	Southern Hens (P17766)	Moselle, MS	Jackson	-Live bird run over by a truck -Employees throwing and standing on cages holding live birds
11/9/2020	Koch Foods of Ashland, LLC (P1254)	Ashland, AL	Jackson	-Live birds in the DOA bin
12/7/2020	Koch Foods of	Chattanooga, TN	Jackson	- Numerous instances of live birds entering the scald tank

¹ FSIS Directive 6110.1 *Verification of Poultry Good Commercial Practices* instructs District Veterinary Medical Specialists (FSIS employees who visit slaughter livestock and poultry slaughterhouses to assess whether the animals are being treated humanely) to send LOCs to slaughterhouse management and appropriate state officials when egregious instances of poultry mistreatment have occurred. See https://www.fsis.usda.gov/sites/default/files/media_file/2020-07/6110.1.pdf.

	Chattanooga, LLC (P7487)			
7/9/2021	Koch Foods of Chattanooga, LLC (P7487)	Chattanooga, TN	Jackson	-Numerous instances of live birds entering the scalders
3/11/2022	Birdsboro Kosher Farms Corp. (P45134)	Brooklyn, NY	Philadelphia	-Live birds thrown across room into discard barrels on top of other live birds -Birds that had had their throats cut and been thrown into the discard barrel flew back out of the barrel and walked and bobbed their heads as they were bleeding out -Live birds run over and crushed by tractor trailer unloading crates of chickens