

**Public Comment on Petition 23-07: “Petition Requesting Notice Clarifying the
Limits of Federal Preemption, and FSIS’ Role in
the Enforcement of State Anti-Cruelty Laws”
United States Department of Agriculture,
Food Safety and Inspection Service**

People for the Ethical Treatment of Animals (PETA)
October 10, 2023

PETA supports Animal Partisan’s petition that the Food Safety and Inspection Service (FSIS) clarify that state (and local) government officials are not categorically preempted from enforcing state anti-cruelty laws by the Federal Meat Inspection Act, the Humane Methods of Slaughter Act, or the Poultry Products Inspection Act, and that FSIS personnel cooperate with state (and local) government officials in the enforcement of state anti-cruelty laws and improve clarity and frequency of communication to those officials.

FSIS inspection program personnel (IPP) routinely document animals suffering in clearly illegal ways in federally inspected slaughterhouses, with no legal ramifications for the culpable parties. For example:

- At Stoney Point Butchery in Pennsylvania, an employee repeatedly punched a pig in the neck and face while the animal attempted to escape the blows.
- At Bowman’s Butcher Shop in Maryland, a cow tried to stand up after workers shot her in the head with a rifle—they then shackled her, hoisted her up, and cut her throat while she was still conscious. FSIS documented six other incidents at the facility in 2021 in which cows remained conscious after workers shot them in the head, and officials found two cows and 20 lambs confined at Bowman’s without access to water during the hot summer months.
- At Northeast Kingdom Processing in Vermont, a “frustrated and angry” worker slammed a gate into a steer twice with “a great deal of force,” pinning him against a wall.
- At Northstar Meats in Illinois, IPP found that a pig hanging upside down on the slaughter line was conscious and crying out after going through a carcass-washing cabinet. The inspector told a worker to re-stun the animal—but instead, the worker cut the conscious pig’s throat before she could stop him. The pig cried out again, and the inspector urged employees to stop the slaughter line—but it kept running and the pig was plunged into a tank of scalding-hot water, where the animal thrashed and screamed before finally being pulled out and shot.
- At Long Prairie Packing Company in Minnesota, a staffer shot a conscious cow in the head three times, slit her throat, cut her flesh open six times, and injected a chemical into the cuts.

None of the perpetrators of these acts faced criminal prosecution for their cruel actions. PETA regularly alerts state and local law enforcement officials to acts such as these, and

has repeatedly heard false arguments and conclusions that such agencies are preempted by federal law from enforcing anti-cruelty statutes in federally inspected slaughterhouses. Three examples of this are referenced in the aforementioned petition. This frequent misunderstanding on the part of state and local officials is all the more detrimental to the rule of law given that FSIS has apparently never once referred any act of abuse at a licensed establishment for federal prosecution. Persistent, systemic and flagrant acts of abuse and neglect occur regularly and go unpunished, and offenders are emboldened by the absence of meaningful consequences.

It is readily apparent that FSIS' regulatory actions are not an effective deterrent for the individuals who engage in such acts of abuse. For example, [Pudliner Packing](#) in Johnstown, Pa., has violated federal law at least 13 times since June 2019—most of these incidents occurred after an employee cut the throat of a conscious, crying cow on January 27, 2020. An investigation and potential prosecution of this employee by local law enforcement for violations of the state's anti-cruelty statutes would have no doubt served as a significant deterrent for future violations at the facility, and would have only helped FSIS ensure some measure of acceptable handling and lawful stunning of animals there.

Given this, PETA urges FSIS (1) to explicitly clarify for state (and local) officials that their enforcement of state anti-cruelty statutes for conduct at slaughterhouses is not preempted by federal law, and (2) to cooperate with such agencies in their enforcement of applicable state laws. Doing so will both protect animals from egregious and illegal suffering, and assist FSIS with implementing and enforcing the laws and regulations in its purview.