

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS DIRECTIVE

6900.2
Revision 2

8/15/11

NOTE: DO NOT IMPLEMENT THIS DIRECTIVE UNTIL SEPTEMBER 15, 2011

HUMANE HANDLING AND SLAUGHTER OF LIVESTOCK

CHAPTER I - GENERAL

I. PURPOSE

A. This directive informs inspection program personnel (IPP) of the requirements, verification activities, and enforcement actions for ensuring that the handling and slaughter of livestock, including disabled livestock and livestock slaughtered by religious ritual methods, is humane. This directive provides instructions to IPP for conducting humane handling activities randomly throughout their tour of duty.

B. In addition, public health veterinarians (PHVs) are to notify establishments that they may choose to develop and implement a systematic approach for the humane handling of animals. On September 9, 2004, FSIS published a notice in the Federal Register (54 Fed. Reg. 54625) entitled "Humane Handling and Slaughter Requirements and the Merits of a Systematic Approach To Meet Such Requirements." This Federal Register Notice details the background on the humane handling and slaughter statutes issued by Congress and regulation of humane handling by FSIS. It also details steps industry should take to assure effective compliance with the Acts and regulations. This Federal Register Notice can be found in its entirety at the following link: [2004 Federal Register Notice](#).

C. This directive provides instructions to IPP in establishments that assert that they have put in place a systematic approach on how to assess whether that approach is robust enough that IPP should allow it to function in the event of an egregious inhumane handling, or whether IPP should intervene in accordance with the relevant instructions in this directive.

II. CANCELLATION

FSIS Directive 6900.1, Humane Handling of Disabled Livestock, date 11/2/98 FSIS

Directive 6900.2, Revision 1, Humane Handling and Slaughter of Livestock, dated 11/25/03

FSIS Notice 06-11, Humane Handling at All Entrances and the Twenty-eight Hour Law, dated 2/2/11

III. REASON FOR REISSUANCE

A. FSIS is reissuing this directive to:

1. Incorporate the instructions from FSIS Directive 6900.1 related to disabled livestock and FSIS Notice 06-11 related to the Humane Handling at All Entrances and the Animal and Plant Health Inspection Service (APHIS) Twenty-Eight Hour Law;
2. Provide a definition of “egregious inhumane handling” and detail the actions that IPP are to take when they find that egregious inhumane handling has occurred;
3. Provide IPP with verification instructions when an establishment has a written animal handling program that incorporates the guidelines in the Federal Register Notice to such an extent that establishment management believes the program rises to the level of a robust systematic approach for humane handling;
4. Provide instructions for IPP to verify that an establishment does not use any secondary entrances or equipment to handle livestock inhumanely or to violate the Humane Methods of Slaughter Act (HMSA) or the Federal Meat Inspection Act (FMIA) or any of the regulatory requirements on humane handling that FSIS has adopted pursuant thereto; and
5. Provide instructions for actions to take should IPP observe inhumane handling of animals being slaughtered under a Custom Exempt program.

B. There are no changes to the instructions in this directive that address Ritual Slaughter.

IV. REFERENCES

9 CFR parts 313 and 500; the HMSA - 7 U.S.C. 1901, 1902, and 1906; and the FMIA - 21 U.S.C. 603 and 610.

V. DEFINITIONS

A. Ambulatory Disabled Livestock: Livestock capable of walking but with physical impairment such as central nervous system signs, lameness, or similar conditions.

B. Egregious inhumane treatment: An egregious situation is any act or condition that results in severe harm to animals, for example:

1. Making cuts on or skinning conscious animals;

2. Excessive beating or prodding of ambulatory or nonambulatory disabled animals or dragging of conscious animals;
3. Driving animals off semi-trailers over a drop off without providing adequate unloading facilities (animals are falling to the ground);
4. Running equipment over conscious animals;
5. Stunning of animals and then allowing them to regain consciousness;
6. 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;
7. Dismembering conscious animals, for example, cutting off ears or removing feet;
8. Leaving disabled livestock exposed to adverse climate conditions while awaiting disposition, or
9. Otherwise causing unnecessary pain and suffering to animals, including situations on trucks.

C. Falls: When an animal loses an upright position suddenly, in which a part of the body other than the limbs touches the ground or floor.

D. Humane Handling: Handling and slaughter practices that cause a minimum of excitement, pain, injury, or discomfort to livestock.

E. Hoisting: The process whereby an animal after it is shackled, is raised, usually from a lying position, and suspended by a leg or legs.

F. Non-Ambulatory Disabled Livestock: Livestock that cannot rise from a recumbent position or that cannot walk, including, but not limited to, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column, or metabolic conditions.

G. Shackling: Livestock are considered to be shackled when a device (e.g., rope, chain) used to shackle the animal has been placed around the animal's leg, even if the device has not been drawn tight.

H. Slips: When a portion of the leg other than the foot touches the ground or floor, or a foot loses contact with the ground or floor in a non-walking manner.

I. Suitable Equipment: Establishment equipment that, in the opinion of IPP, is capable of enabling establishment personnel to move non-ambulatory disabled livestock with a minimum of excitement, pain, or injury. This type of equipment includes bobcat-type

vehicles and self-propelled tractors capable of pulling stone boats (sleds) or similar conveyances, those conveyances themselves, holding chutes, and a voltmeter or other suitable equipment that is capable of verifying voltage of electric prods attached to AC current.

J. Suitable Restraints: Establishment-provided restraints that, in the opinion of IPP, are capable of effectively restraining livestock (including disabled livestock when necessary) and preventing injuries to Agency personnel when performing ante-mortem inspection. This includes inspections when conducted on a transport vehicle.

VI. BACKGROUND

The HMSA (7 U.S.C. 1901, 1902, and 1906, see Attachment 1) states that the slaughtering and handling of livestock are to be carried out only by humane methods. In this statute, Congress determined (among other things) that the use of humane methods of handling and slaughtering livestock prevents needless suffering of animals and results in safer and better working conditions for employees in slaughter establishments. This includes:

1. Slaughtering in accordance with the ritual requirements of the Jewish faith or of any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering.
2. Using humane handling and slaughter practices for all livestock including non-ambulatory disabled livestock in accordance with the HMSA. See attachment 2 for FSIS humane handling regulations.

VII. SYSTEMATIC APPROACH TO HUMANE HANDLING AND SLAUGHTER (SYSTEMATIC APPROACH) IN A WRITTEN ANIMAL HANDLING PROGRAM

A. There is no regulatory requirement for a written systematic approach to humane handling. However, an establishment may choose to develop and implement in a robust way a written animal handling program that effectively addresses the four aspects of a systematic approach that FSIS outlined in the 2004 Federal Register Notice. These four steps are:

1. Conduct an initial assessment of where, and under what circumstances, livestock may experience excitement, discomfort, or accidental injury while being handled in connection with slaughter, and of where, and under what circumstances, stunning problems may occur;
2. Design facilities and implement practices that will minimize excitement, discomfort, and accidental injury to livestock;

3. Evaluate periodically the handling methods the establishment employs to ensure that those methods minimize excitement, discomfort, or accidental injury and evaluate those stunning methods periodically to ensure that all livestock are rendered insensible to pain by a single blow; and
4. Respond to the evaluations, as appropriate, by addressing problems immediately and by improving those practices and modifying facilities when necessary to minimize excitement, discomfort, and accidental injury to livestock.

B. After the issuance of this directive, IPP are to hold a meeting with establishment management to inform establishment management that if it has a robust systematic approach. FSIS will take that into consideration should it be necessary to determine how to proceed in the circumstances set out in Chapter VII, IV, C (e.g., how to proceed when an incident occurs that involves egregious inhumane treatment). See Attachment 3 for details about a robust systematic approach.

C. When establishment management states that it believes it has an animal handling program that equates to a robust systematic approach, IPP are to ask to review the program and any records generated during its implementation. If the establishment has taken advantage of this robust systematic approach option, IPP will verify, when they perform their humane handling verification activities, that the procedures observed and documentation reviewed follow the establishment's program and comply with the humane handling regulations.

NOTE: The establishment is not required to provide IPP access to a written humane handling program. However, IPP will not be able to verify effective implementation of a program that the establishment believes reflects a robust systematic approach without access to the written program. Because a documented systematic approach is not a regulatory requirement, failure to implement provisions of such a program is not a noncompliance unless such failure to implement results in an identifiable failure to meet specific regulatory requirements.

D. IPP are to take into consideration whether the establishment has implemented a robust systematic approach in determining how to proceed in the circumstances set out in Chapter VII, IV, C (e.g., how to proceed when an incident occurs that involves egregious inhumane treatment).

F. IPP are to document their meeting with the establishment, including date, attendees, and topics discussed, in an MOI. A copy of the MOI is to be emailed to District Office to

the attention of the DVMS, provided to establishment management, and kept on file in the official in-establishment government files.

CHAPTER II – LIVESTOCK TRANSPORTATION VEHICLES AND THE TWENTY-EIGHT HOUR LAW

I. LIVESTOCK ON TRANSPORTATION VEHICLES

Once a vehicle carrying livestock enters, or is in line to enter, an official slaughter establishment's premises, the vehicle is considered to be a part of that establishment's premises. The animals within that vehicle are to be handled in accordance with 9 CFR 313.2. If, for whatever reason, animals cannot be unloaded for ante-mortem inspection, IPP will determine whether ante-mortem inspections can be safely and adequately conducted from outside the vehicle or, at the IPP's option, by entering the vehicle.

II. TWENTY-EIGHT HOUR LAW

A. Under the Twenty-Eight Hour Law, transporters are required to stop to provide animals with food, water, and rest. Transporters who have deprived livestock of food, water, or rest for more than 28 hours are in violation of the Twenty-Eight Hour Law (49 USC 80502).

B. If livestock arriving on a transport vehicle appear exhausted or dehydrated, IPP are to ask establishment management whether the truck driver stopped within the preceding 28 hours to provide the animals rest, food, and water. If the truck driver or establishment is unwilling to provide information, or if IPP believe the condition of the animals could be the result of being deprived of rest, food, and water for over 28 hours, IPP are to contact the Animal and Plant Health Inspection Service (APHIS), Area Veterinarian-in-Charge, via their FSIS chain of command, so that APHIS can conduct an investigation.

C. A Memorandum of Interview (MOI) should be prepared to document what the IPP observed and all actions taken.

CHAPTER III. RITUAL SLAUGHTER OF LIVESTOCK

I. GENERAL REQUIREMENT

Section 1902 (b) of the HMSA provides that "slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering" is humane. Section 1906 of the HMSA further provides that, "Nothing in this chapter shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person

or group. Notwithstanding any other provision of this chapter, in order to protect freedom of religion, ritual slaughter and the handling or other preparation of livestock for ritual slaughter are exempted from the terms of this chapter. For the purposes of this section the term 'ritual slaughter' means slaughter in accordance with section 1902(b) of this title.”

II. RESPONSIBILITIES OF IPP IN ESTABLISHMENTS WHERE RITUAL SLAUGHTER IS PERFORMED

A. In an establishment at which ritual slaughter is performed, IPP are to request the establishment manager to inform them about what type of ritual slaughter (e.g., Kosher, Halal) will be performed, when it will be performed, and who will perform the ritual slaughter.

B. IPP are to verify that the humane handling of animals prior to preparation of the animal for ritual slaughter is in compliance with 9 CFR 313.1 and 313.2. Examples of verification activities may include confirming the availability of water, checking the condition of pens and ramps, and verifying that there is no excessive use of electric prods.

C. IPP are not to interfere in any manner with the preparation of the animal for ritual slaughter, including the positioning of the animal, or the ritual slaughter cut and any additional cuts by or under the supervision of the religious authority to facilitate bleeding.

D. IPP are to verify that after the ritual slaughter cut and any additional cut to facilitate bleeding, no dressing procedure (e.g., head skinning, leg removal, ear removal, horn removal, opening hide patterns) is performed until the animal is insensible.

E. If IPP have concerns, they are to contact the District Office (DO) through supervisory channels.

CHAPTER IV - HUMANE HANDLING VERIFICATION ACTIVITIES

I. HUMANE HANDLING ACTIVITIES TRACKING SYSTEM (HATS):

A. The electronic animal disposition reporting system (eADRS) database provides valuable information concerning animal diseases and welfare in the United States. HATS is one component of the eADRS.

B. The HATS component provides FSIS with data on the time that FSIS PHVs and other IPP spend verifying that specific humane handling and slaughter requirements are met. To the maximum extent possible, multiple IPP are routinely to conduct HATS related activities. IPP are to accurately and completely report the time that they spend on these activities and to separate that time into nine specific categories.

II. HATS CATEGORIES FOR VERIFICATION

A. Category I - Inclement Weather (9 CFR 313.1 and 313.2): Under this category, IPP record their verification of how the establishment adapts its facilities and handling practices to inclement weather to ensure the humane handling of animals.

B. Category II - Truck Unloading (9 CFR 313.1 and 313.2): Under this category, IPP record their verification of the establishment's humane handling procedures during livestock unloading activities.

C. Category III - Water and Feed Availability (9 CFR 313.2): Under this category, IPP record their verification of the establishment's compliance with 9 CFR 313.2(e), which requires that water be available to livestock in all holding pens, and that animals held longer than 24 hours have access to feed.

D. Category IV - Ante-mortem Inspection (9 CFR 313.1 and 313.2): Under this category, while IPP are conducting ante-mortem inspection, they are to record the time spent verifying the establishment's facilities and procedures for humanely handling animals during ante-mortem inspection.

E. Category V - Suspect and Disabled (9 CFR 313.1 and 313.2): Under this category, IPP record their verification of the measures that an establishment takes to ensure that "U.S. Suspect" and disabled livestock (9 CFR 313.2 (d)) are handled humanely.

F. Category VI - Electric Prod/Alternative Object Use (9 CFR 313.2): Under this category, IPP record their verification of the establishment's procedures for humanely and effectively moving livestock without excessive prodding or the use of sharp objects after ante-mortem inspection has occurred (9 CFR 313.2).

G. Category VII - Slips and Falls (9 CFR 313.1 and 313.2): Under this category, IPP record time spent observing whether any animals are slipping and falling as they are handled and moved through the livestock facilities.

H. Category VIII - Stunning Effectiveness (9 CFR 313.5, 313.15, 313.16, and 313.30): Under this category, IPP record their verification of the establishment's procedures to appropriately and effectively administer stunning methods that produce unconsciousness in the animal before the animal is shackled, hoisted, thrown, cast, or stuck.

I. Category IX - Conscious Animals on the Rail (9 CFR 313.5, 313.15, 313.16, and 313.30): Under this category, IPP (usually a Public Health Veterinarian) record their verification that the establishment ensures that animals do not regain consciousness throughout shackling, sticking, and bleeding (Section 1902 of the HMSA). This category focuses specifically on the time after stunning and throughout the process of shackling, hoisting, sticking and bleeding of the animal.

III. VERIFICATION OF ESTABLISHMENT HUMANE HANDLING ACTIVITIES

A. PHVs and other trained IPP are to perform verification of the establishment's humane handling activities during each shift that animals are slaughtered, or when animals are on site, even if it is during a processing only shift. IPP are to vary the times during these shifts when they perform the verifications.

B. IPP are to perform this verification under Inspection System Procedure (ISP) code 04C02. This code should only be entered in Performance Based Inspection System (PBIS) one time per slaughter shift.

NOTE: FSIS will issue instructions related to the Public Health Inspection System (PHIS) at a later date.

C. On each occurrence of ante-mortem inspection, IPP are to make verification observations as described for HATS Category IV – “Ante-Mortem Inspection;” except in very small establishments (see D. below), it is expected that there will be an entry of at least one-quarter hour in HATS Category IV for every slaughter shift.

D. Although IPP in very small establishments will perform ante-mortem inspection every slaughter shift, there are special instructions for documenting their HATS activities (see Chapter VI. B. *Documentation of HATS Time and PBIS Entries* for exceptions in very small establishments).

E. In addition to the daily verification of HATS Category IV, IPP are to verify one or more other HATS category during each slaughter shift.

F. IPP are to record the total time spent verifying HATS categories. IPP are to record this time in quarter hour increments rounding up to next the quarter hour. For example, if IPP spend 20 minutes verifying HATS categories, they would record 2 quarter hour increments (i.e., 30 minutes).

G. Over time, IPP are to ensure that they routinely verify all HATS categories. IPP are to focus on complete quality verifications of each category.

H. If the establishment participates in the Agriculture Marketing Service (AMS) National School Lunch Program (NSLP), IPP are to determine whether the establishment is meeting AMS Animal Welfare Requirements as set forth in the most current version of the AMS "Technical Requirements Schedule - Animal Handling and Welfare" (TRS-AHW). This determination would include a review of all humane handling records generated in accordance with this program.

NOTE: AMS and FSIS IPP access to all relevant documents is required by the AMS AHW program. If the IPP have reason to believe that the establishment is not fully following its quality control related humane handling obligations under the AMS NSLP,

he or she should notify his/her immediate supervisor and the District Veterinary Medical Specialist (DVMS). As deemed necessary, the DVMS will contact the Contracting Officer at the AMS, Livestock and Seed Program, Commodity Procurement Branch, Room 2610-S, Washington, D.C., (202) 720-2650. Use the following link for access to the most current AMS AHW program requirements: <http://www.ams.usda.gov/AMSV1.0/> then type "TRS-AHW" in the Search box and select the most current update of the TRS-AHW from the generated listing.

I. For establishments with an animal handling program that effects a robust systematic approach, IPP, as a part of performing their daily HATS procedures, are to verify through observation the establishment employees during the handling and slaughter of animals or document reviews that the establishment is following its animal handling program, and that it is implementing effective corrective actions when appropriate.

J. If an establishment claims to have implemented a robust systematic approach, but IPP observe that the establishment is not following the written animal handling program, IPP are to first discuss their observations with establishment management and document this discussion on an MOI. If IPP continue to observe ineffective implementation of the animal handling program, they are to notify the DO (DVMS or DDMs if the DVMS position is vacant) and their immediate supervisor of their concerns by email, which will serve as documentation of the IPP's concerns.

IV. PRIORITIZING HATS CATEGORY VERIFICATION

A. To prioritize which HATS categories to verify, PHVs or other IPP are to consider the documentation of the results of previous inspection activities, historical observations, and direction from the Front-line Supervisor (FLS) in consultation with the DVMS.

B. In addition, IPP may decide to repeat some activities if a significant amount of time elapses between ante-mortem inspection and slaughter. Generally, inspection personnel are not to pass for slaughter more animals than can be slaughtered in approximately four hours.

C. FLS or DVMS Visits: When the FLS or DVMSs visit an establishment, they are to ensure that the PHV or other IPP are employing correct decision making, correctly verifying HATS activities, correctly documenting their activities, and appropriately varying from day-to-day the times during their tour of duty when they verify that animals are handled humanely.

D. In Multi-IPPS Assignments:

1. PHVs that conduct ante-mortem and post-mortem inspection disposition activities as part of a multi-IPPS assignment are to conduct one or more HATS procedures

whenever they have cause to visit an establishment. These PHVs are to focus on verifying Categories VIII and IX.

2. PHVs are to record their HATS time in eADRS and to document in PBIS the performance (e.g., Performed, NR) of the humane handling 04C02 procedure.

E. Off-Hour Inspection of Establishment Humane Handling:

1. The IIC, in conjunction with the FLS and DVMS, is to determine, based on establishment history or other observations, how frequently IPP need to visit an establishment during a time when there is no assigned tour of duty for inspection services (e.g., prior to operations, weekends) to observe the livestock facilities and handling practices.

NOTE: All time incurred in the performance of off-hour inspection will be paid as non-reimbursable overtime.

2. Among other factors, they are to consider whether the establishment receives animals outside the establishment's hours of operation, and whether animals are routinely held overnight.
3. Document observations on FSIS Form 8100-1. Record time in eADRS under the appropriate HATS category on the date for the next regularly scheduled inspection shift (note: this does not have to be a slaughter shift). If a non-compliance is identified, write the non-compliance record (NR) on the date for the next regularly scheduled inspection shift.

CHAPTER V- VERIFICATION OF HUMANE HANDLING USING HATS CATEGORIES AND DETERMINING NONCOMPLIANCE

I. GENERAL

To assist IPP in implementing HATS, the following sections group HATS categories by the matters that they address, cite the humane handling regulations that support the verification category, specify the activities that IPP are to perform in verifying that category, and describe what would constitute noncompliance. Also, these sections provide examples of establishment procedures and documents that IPP might expect to observe and review at those establishments where establishment management has stated that it believes it has developed and implemented a written animal handling program that effectively addresses the four steps of a systematic approach and should be considered robust.

II. ESTABLISHMENT'S LIVESTOCK PENS, DRIVEWAYS, AND RAMPS (9 CFR 313.1) HATS CATEGORIES I, II, IV, AND, VII

A. Category I - “Inclement Weather”: Disabled livestock and U.S. Suspects, when present, are to be placed in a covered pen (9 CFR 313.1 (c) and 313.2 (d) (1)) to protect them from adverse climatic conditions.

1. IPP are to verify how the establishment adapts its facilities and holding practices to inclement weather to ensure the humane handling of animals. **NOTE:** There is no requirement for a dedicated covered pen; this section can be met if the establishment can show they can and will provide a covered area when needed.
2. IPP are to document noncompliance as set out in Chapter VII if US Suspect or disabled livestock are not placed in a covered pen.

B. Category II – “Truck Unloading”: Unloading facilities, such as ramps, chutes, floors, and vehicles, are to be maintained in good repair (9 CFR 313.1 (a)). Vehicles and ramps are to be properly positioned for unloading animals (9 CFR 313.1 (b)).

1. IPP are to verify that the establishment’s livestock handling facilities are in proper repair during livestock unloading activities.
2. IPP are to document noncompliance as set out in Chapter VII if:
 - a. The condition of the facilities appear likely to injure or are injuring animals; or
 - b. Vehicles or ramps are not properly positioned leading to the injury of animals.

C. Category IV – “Handling During Ante-Mortem Inspection”: Pens, floors, and driveways, including entrances and exits, are to be maintained in good repair (9 CFR 313.1).

1. IPP are to verify the establishment’s facilities for humanely handling livestock during ante-mortem inspection of livestock.
2. IPP are to document noncompliance as set out in Chapter VII if facilities are not maintained in good repair or may otherwise lead to animal injury.

D. Category VII – “Observations for Slips and Falls”: Establishments are to provide adequate footing in their livestock facilities (9 CFR 313.1 (b)).

1. IPP are to verify that the establishment prevents livestock from slipping and falling due to inadequate footing or improper handling practices.
2. IPP are to take appropriate actions and document noncompliance as set out in Chapter VII if animals are slipping and falling because of poor footing or lack of slip resistant flooring.

III. ESTABLISHMENT'S LIVESTOCK HANDLING PRACTICES (9 CFR 313.2) HATS CATEGORIES I, II, III, IV, V, VI, and, VII.

A. Category I – “Adequate Measures for Inclement Weather”: Inclement weather (e.g., rain, heat, snow, ice) can have adverse effects on facilities and animal handling. Animals may slip or fall because of wet floor conditions or because of the build up snow and ice. Animals may not have access to water when water buckets or troughs freeze over.

1. IPP are to verify how the establishment adapts its facilities and handling practices to inclement weather to ensure that animals are humanely handled.
2. IPP are to take appropriate actions and document noncompliance as set out in Chapter VII if:
 - a. Livestock do not have access to water in holding pens (9 CFR 313.2 (e));
or
 - b. Livestock are overheated because of a lack of proper shade or because of a lack of water for cooling.

B. Category II – “Truck Unloading”: Animals are unloaded and driven to pens with a minimum of excitement and prod use (9 CFR 313.2 (a) and (b)). The unloading and “penning” of disabled animals is handled in strict accordance with 9 CFR 313.2 (d). Animals are not to be forced to move faster than a normal walking speed (9 CFR 313.2 (a)).

1. IPP are to verify the establishment’s humane handling procedures during livestock unloading activities.
2. IPP are to take appropriate actions and document noncompliance as set out in Chapter VII if:
 - a. Animals are forced to move faster than a normal walking speed;
 - b. Animals are slipping and falling;
 - c. Disabled or U.S. Suspect animals are not separated from normal ambulatory animals; or
 - d. During unloading and driving, animals are excessively prodded or not driven with a minimum of excitement and discomfort.

NOTE: Special mention is made here about the handling of “fatigued” or “slow” hogs. These “slow” hogs will not be able to move at the same normal walking speed as others in the lot and tend to lie down and in some cases may get knocked down by others in the lot. These hogs (though ambulatory and otherwise normal, bright, and alert) may need to be moved in a manner that protects them from other hogs in the group or lot. Therefore, establishments will need to develop a method or protocol for humanely handling these hogs.

C. Category III – “Water and Feed Availability”: 9 CFR 313.2 (e) states that water is to be accessible to livestock at all times in holding pens, and that feed is to be accessible after livestock have been held longer than 24 hours.

1. IPP are to verify the accessibility of water and feed to livestock.
2. IPP are to document noncompliance as set out in Chapter VII if:
 - a. Water is not accessible to livestock in holding pens; or
 - b. Food has not been provided to livestock being held for longer than 24 hours.

D. Category IV – “Handling During Ante-mortem Inspection”: Livestock are to be moved calmly and with a minimum of excitement during ante-mortem inspection (9 CFR 313.2 (a)) which includes minimal use of electric prods (9 CFR 313.2 (b)). Livestock are to be moved no faster than a normal walking speed (9 CFR 313.2 (a)).

1. IPP are to verify the establishment’s procedures for humanely handling livestock during ante-mortem inspection of livestock.
2. IPP are take appropriate actions and document noncompliance as set out in Chapter VII if:
 - a. Livestock are excessively prodded with an electric prod;
 - b. Livestock are injured because of handling practices; or
 - c. Livestock are moved faster than a normal walking speed.

E. Category V – “Handling of Suspect and Disabled”: Animals unable to move may be moved while conscious using suitable equipment (9 CFR 313.2 (d) (3)). Dragging of conscious animals is prohibited (9 CFR 313.2 (d) (2)).

1. IPP are to verify that the establishment handles US Suspect and disabled livestock humanely. In establishments that present higher numbers of disabled livestock, IPP would typically spend more time verifying the humane handling of these animals compared to establishments that present few disabled livestock.

2. IPP are to take appropriate actions and document noncompliance as set out in Chapter VII if:
 - a. Conscious animals are dragged; and
 - b. Disabled animals are not separated from normal ambulatory animals.

F. Category VI – “Electric Prod/Alternative Object Use”: Establishments are required to move livestock with a minimum of excitement and discomfort (9 CFR 313.2 (a)). Implements (including electric prods) are to be used as little as possible in order to minimize excitement and injury. Any use of such implements that, in the opinion of the inspector, is excessive is prohibited (9 CFR 313.2 (b), 315.5(a)(2), 313.16(a)(2), and 313.30 (a)(2), as applicable).

1. IPP are to verify that the establishment humanely and effectively moves livestock without excessive prodding or the use of sharp objects. This procedure includes direct observation at multiple locations (e.g., pens, alleyways, single-file chutes, stunning areas) involving animal movement.
2. IPP are to take appropriate actions and document noncompliance as set out in Chapter VII if livestock are being prodded excessively causing them to become overexcited or injured.

IV. ESTABLISHMENT’S STUNNING METHODS AND EFFECTIVENESS (9 CFR 313.5, 313.15, 313.16, 313.30) HATS CATEGORIES VIII and IX.

A. Category VIII – “Stunning Effectiveness”:

1. Livestock are to be rendered insensible to pain (unconscious) by a single blow or gun shot or an electrical, chemical, or other means that is rapid and effective. The stunning area is to be designed and constructed to limit the free movements of the animals and to allow the stunning blow to have a high degree of accuracy. Ante-mortem condemned animals are to be euthanized appropriately, using one of the four stunning methods identified in 9 CFR 313.
2. IPP verify the establishment’s procedures to appropriately and effectively administer stunning methods that are rapid and effective and that produce unconsciousness in the animals before the animal is shackled, hoisted, thrown, cast, or stuck.
3. IPP are to take appropriate actions and document noncompliance as set out in Chapter VII if:
 - a. The establishment cannot consistently render animals unconscious with a single application of the stunning methodology; or

- b. There are no records for carbon dioxide gas concentrations.

NOTE: For those animals that are ritually slaughtered, stunning effectiveness will not be evaluated, unless stunning methods (9 CFR 313) are an accepted part of that religious slaughter protocol and are inhumanely applied before or after the ritual slaughter cut.

B. Category IX – “Check for Conscious Animals on the Rail”: Establishments are required to produce, at a minimum, unconsciousness or surgical anesthesia after application of the stunning method, and the animals are to remain in this state until death. The following regulations address these requirements:

- Chemical; Carbon Dioxide – 9 CFR 313.5 (a) (1) & (2);
- Mechanical; Captive Bolt – 9 CFR 313.15 (a) (1) & (3);
- Mechanical; Gunshot – 9 CFR 313.16 a (1) & (3);
- Electrical; Stunning or Slaughtering with Electric Current – 9 CFR 313.30 (a) (1) & (4) and 313.2 (f).

NOTE: According to the HMSA, stunning methods are to render the animal insensible to pain throughout the shackling, hoisting, throwing, casting, and sticking process. They should remain insensible until death.

1. After stunning, IPP are to verify that livestock, at a minimum, remain unconscious before and after they are shackled, hoisted, thrown, cast, or stuck. This category focuses specifically on the time after stunning and throughout the process of shackling, hoisting, sticking, and bleeding of the animal.
2. IPP are to take appropriate actions and document noncompliance as set out in Chapter VII if:
 - a. Establishments further process (e.g., shackle, hoist, cut) livestock not rendered unconscious by the method of stunning; or
 - b. Animals regain consciousness after being stunned.

V. SECONDARY ENTRANCES

A. In addition to the verification activities that IPP are now conducting under HATS, IPP are to verify that animals are not brought into the establishment through entrances or pathways where:

1. IPP may not be aware that the animals are being moved and, therefore, may not be able to determine whether the animal is eligible for slaughter for human food

(e.g., this situation would occur if non-ambulatory disabled cattle, deads, or uninspected animals are brought into the establishment through a secondary or alternative entrance);

2. The nature of the entrance may lead to the inhumane handling of the animal (e.g., the entrance is so small that the animal may be hurt); or
3. The equipment used, or the lack of equipment, may lead to inhumane handling of the animal (e.g., lack of ramps or slippery ramps).

B. This verification is not meant to cause IPP to prohibit the use of alternative entrances. The purpose of this instruction is to provide IPP with a means to verify that all livestock that enter the establishment are doing so under conditions that meet the relevant statutory and regulatory requirements.

C. IPP are to verify that the situations described in paragraph A. are not occurring at the establishment. They are to do so by making observations while performing Inspection System Procedure (ISP) code 04C02 for any evidence that animals are being moved through secondary entrances, or there are any of the others listed problems. They are to make observations under HATS Category VIII - *Stunning Effectiveness* because stunning is typically done near the location of secondary or alternative entrances.

D. If IPP find evidence that any of the situations described in section V.A., above, has occurred, they are to control the condemned livestock (see 9 CFR 309.13) and take a regulatory control action (9 CFR 500.2) by tagging the entrance to prevent the use of the entrance. If the situations in section V. A. 2. or 3., above, occur, IPP are to document noncompliance and take regulatory control actions (e.g., tagging equipment, alleyways, and pens). (See 9 CFR 313.50).

CHAPTER VI - DOCUMENTATION OF HATS TIME AND PBIS ENTRY

A. PHVs and non-PHVs are to enter the hours devoted to verifying humane handling activities for each of the HATS categories into eADRS. These data are to be entered in one-quarter hour increments (e.g., .25, .50, .75, 1.00, 1.25). During normal operations, the total maximum time that would be entered across all HATS categories will generally not exceed the total operational hours for that respective shift. A minimum of one-quarter hour is expected to be entered for each slaughter shift in HATS category IV – “Ante-mortem Inspection,” except as described in B. (below) for very small establishments.

B. For very small establishments that slaughter one to a few animals per day, there are special procedures for documenting humane handling verification time in HATS. At many very small establishments the total amount of inspection time spent on HATS procedures during a shift may only total .25 hour. Therefore, because the minimum amount of time that can be recorded for any given HATS activity is .25 hour, the expectation described in A. (above) that .25 hour be entered in HATS Category IV - "Ante-mortem Inspection" for each slaughter shift does not apply. Instead at those establishments where, for example, two or more humane handling verification procedures (one of which will always be Ante-mortem Inspection for those shifts when slaughter is scheduled) may be performed in .25 hour, when entering their HATS time IPP are to rotate through the appropriate HATS categories (i.e., those categories actually performed at a particular establishment including Ante-mortem Inspection) and record .25 hour per day in a different HATS category each slaughter day. In this manner, all HATS activities actually performed by IPP will be reflected over the course of several slaughter days.

C. When writing a NR for a noncompliance in a HATS category that was not the selected category for observation, IPP are to record the HATS time for both the category that was being performed and for the category in which the noncompliance occurred.

Example: While observing animals during ante-mortem inspection, you identified that there was no accessible water in a livestock pen. You would document the time in the HATS system for the humane handling time during ante-mortem inspection (Category IV) as well as the time it took to take care of the noncompliance for "no water" under Category III. You should have a minimum of .25 hours in each category.

D. After IPP perform their HATS activities for a slaughter shift and have recorded the time in HATS, they are to enter in PBIS the ISP code 04C02 and:

1. For compliant findings select "A," indicating all observed HATS activities were compliant.
2. For noncompliant findings select "protocol" and complete a Non-compliance Record.

NOTE: Only one ISP code 04C02 should be entered per slaughter shift.

CHAPTER VII - ENFORCEMENT AND DOCUMENTATION OF NONCOMPLIANCE

I. GENERAL

A. 9 CFR 313.50 and 9 CFR 500.2 through 500.4 provide for a progression of enforcement actions. This progression provides for an escalating response by IPP when the establishment does not comply with the humane slaughter of livestock regulations (9 CFR 313). The progressive response can be summarized as follows:

1. When IPP observe a humane handling noncompliance that does not involve injury or distress to livestock (e.g., facility condition, actions of employees) or observe a humane handling noncompliance that does involve injury or distress to livestock (e.g., animals driven faster than a normal walking speed), but IPP determine that it is not egregious:
 - a. IPP are to inform establishment management to correct or stop the noncompliant deficiency or activity. If necessary, IPP are to take a regulatory control action to prevent further injury to the animal or to prevent injuries from occurring to other animals.
 - b. IPP are to issue an NR for this finding.
 - c. If IPP do not receive adequate response or corrective actions to the NR or the noncompliance observed continues to occur, IPP are to take a regulatory control action as appropriate to stop the noncompliance from continuing.
 - d. If the establishment continues to have noncompliances or does not adequately correct the noncompliances of the aforementioned nature, the IIC is to communicate this to the FLS and DVMS to determine whether a Notice of Intended Enforcement (NOIE) should be issued for multiple noncompliances.
2. When IPP observe a noncompliance that causes injury and distress and is of an egregious nature (whether as a result of continued noncompliances as described above or as a stand alone incident), the IIC is to take a regulatory control action and recommend that an immediate suspension of operations per 9 CFR 500.3 (b) be taken.

B. The following sections provide further explanation of enforcement actions and provide documentation instructions.

II. NONCOMPLIANCES WITHOUT INJURY TO ANIMALS

A. There are noncompliances with 9 CFR Part 313 that IPP are to act upon even though the noncompliances are not causing animals to be injured, to be in pain, or to be under excessive excitement or discomfort (e.g., forcing animals to move faster than a normal walking speed).

B. As required by 9 CFR 313.50, IPP are to inform establishment management of such noncompliances. As 9 CFR 313.50 states: “When an inspector observes an incident of inhumane slaughter or handling in connection with slaughter, he/she shall inform the establishment operator of the incident and request that the operator take the necessary steps to prevent a recurrence.”

C. IPP are to document the noncompliance on an NR, under the Inspection System Procedure (ISP) code 04C02, using the “Protocol” trend indicator.

D. IPP are to specify all relevant regulations that pertain to the incident, provide a concise description of the noncompliances, and provide any other evidence that supports the determination that a noncompliance has occurred.

E. IPP are to indicate at the top of Block 10 of the NR which category of activity under HATS was being performed when they found the noncompliance. If the noncompliance is covered by a second HATS category as well, then IPP are to note both categories on the NR. If two categories are covered, IPP are to list the category where the noncompliance occurred first.

F. IPP are to verify that the establishment takes the necessary corrective actions and further preventive measures to achieve regulatory compliance and prevent recurrence. IPP are to take a regulatory control action if:

1. Establishment management fails to take such actions or to promptly provide the inspector with satisfactory assurances that such actions will be taken; or

2. A subsequent noncompliance is observed that derives from the same or related cause, thereby indicating a failure to continue effective implementation of previously proffered corrective and preventative measures.

G. IPP are to take a regulatory control action in accordance with 9 CFR 500.2 (a) (4) and as specified in 9 CFR 313.50 (a), (b), or (c). When a regulatory control action is taken in response to inhumane handling because of employee actions, when placing the tag IPP may take into consideration whether, by applying the tag at a point that is more specific to the location or nature of the violation, the intent of 9 CFR 313.50 (b) will be met, i.e., control the situation and prevent injury, pain or excessive excitement or discomfort to animals. The regulatory control action will remain in place until the establishment implements the appropriate corrective actions and further preventive measures that ensure compliance with the appropriate section of 9 CFR part 313.

H. If the establishment continues to have noncompliances or does not adequately correct a noncompliance of the aforementioned nature, the IIC is to communicate this first to the FLS and DVMS to determine whether an NOIE should be issued for continued noncompliance.

III. INHUMANE SLAUGHTER OR HANDLING TREATMENT CAUSING INJURY OR DISTRESS BUT NOT OF AN EGREGIOUS NATURE

A. Non-egregious inhumane slaughter or handling can lead to animals being injured, to unnecessary pain, or to excessive excitement or discomfort (e.g., driving animals too fast and causing a few to slip and fall) and is a noncompliance with appropriate sections of 9 CFR 313.

B. IPP are to follow 9 CFR 313.50 and inform establishment management of the noncompliance by issuing a non-compliance record: “When an inspector observes an incident of inhumane slaughter or handling in connection with slaughter, he or she shall inform the establishment operator of the incident and request that the operator take the necessary steps to prevent a recurrence.” If necessary, IPP are to take a regulatory control action:

1. Before informing the establishment management, when it is necessary for FSIS, rather than establishment management, to stop the inhumane treatment of livestock because the noncompliance continues to injure, cause distress, or otherwise adversely affect livestock; or
2. When the establishment operator fails to take action or fails to promptly provide the inspector with satisfactory assurances that such action will be taken.

C. The application of the regulatory control action is to follow the procedures as specified in 9 CFR 313.50. IPP are to take a regulatory control action as indicated in 9 CFR 500.2 (a) (4) and as specified in 9 CFR 313.50 (a), (b), or (c). When a regulatory control action is taken in response to inhumane handling because of employee actions, when placing the tag IPP may take into consideration whether, by applying the tag at a point that is more specific to the location or nature of the violation, the intent of 9 CFR 313.50 (b) will be met, i.e., control the situation and prevent further injury or distress to animals. The regulatory control action is to remain in place until the establishment implements the appropriate corrective actions and preventive measures that ensure compliance with the appropriate section of 9 CFR part 313.

D. IPP are to document the noncompliance on FSIS Form 5400-4, Noncompliance Record (NR), under the ISP code 04C02 using the “Protocol” trend indicator.

E. IPP are to specify all relevant regulations that pertain to the incident, provide a concise description of the noncompliance, and provide any other evidence that supports the determination that a noncompliance has occurred.

F. IPP are to indicate at the top of Block 10 of the NR which category of activity under HATS they were performing when they found the noncompliance. If the noncompliance is covered by a second HATS category as well, then IPP are to note both categories on the NR. If two categories are covered, IPP are to list the category where the noncompliance occurred first.

G. IPP are to verify that the establishment takes the appropriate corrective or preventive actions before removing the regulatory control action.

H. If the establishment continues to have noncompliances or does not adequately correct the noncompliances of the aforementioned nature, the IIC is to communicate this to the FLS and DVMS to determine if an NOIE should be issued for continued noncompliances.

IV. INHUMANE SLAUGHTER OR HANDLING TREATMENT OF AN EGREGIOUS NATURE

A. The IIC is to immediately stop the inhumane slaughter or handling of livestock that is of an egregious nature with an appropriate regulatory control action to prevent the inhumane handling and slaughter from continuing. The IIC will then orally notify the establishment management that he/she is correlating with the FLS, DO, and DVMS to discuss and recommend that a suspension action be taken according to 9 CFR 500.3 (b) (see C and D below for exceptions to taking or delaying suspension action).

B. The IIC is to document the facts that serve as the basis of the enforcement action on a memorandum of interview (MOI) and promptly provide that information electronically to the FLS, DO and DVMS for their use in documenting the enforcement action. (See Attachment 3, for an example MOI that supports a suspension action.)

C. However, in a situation where an establishment:

- a. Does not have any recent humane handling related enforcement actions;
- b. Has consistently been meeting the humane handling regulatory requirements;
- c. Has been operating under a written animal handling program that establishment management has proffered as a robust systematic approach and made accessible to IPP; and
- d. Has demonstrated the robustness of the program to IPP by effectively and consistently implementing all aspects of its program,

the IIC, based on consideration of the above, may recommend in an MOI to the FLS, DO, and DVMS that the egregious act be subject to enforcement discretion and recommend issuance a Notice of Intended Enforcement (NOIE) rather than a notice of suspension (See attachment 4 for a sample MOI). The decision to recommend this enforcement action is based on the Rules of Practice regulation (9 CFR 500.3(b)) that states: "FSIS also *may* impose a suspension without providing the establishment prior notification because the establishment is handling or slaughtering animals inhumanely." In determining whether the egregious act is an anomaly, and whether the establishment should be allowed to continue to operate, the IIC, FLS, DO, and DVMS are to consider:

1. Whether the establishment is operating under an animal handling program that provides for how the establishment will respond if an unforeseeable event of this type occurs;
2. Whether there is any basis for concern that the planned response in the establishment's animal handling program will not effectively address the problem; and
3. Whether the establishment has consistently and effectively implemented their animal handling program over time.

NOTE: The PHV is to communicate that an NOIE will be issued as soon as that decision is made. The District Office is to issue the NOIE to the establishment typically within 24 hours.

D. In situations where the establishment has no written animal handling program, or IPP have not determined that the establishment has implemented a robust systematic approach, and where an immediate suspension action would be warranted but is likely to result in inhumane treatment of additional animals (e.g., a line stoppage that may result in animals having to stay on a truck during an extremely hot day), the IIC may delay implementation of the suspension action until he/she can ensure that animals on-site or in-transit have been handled humanely.

1. In deciding whether to delay implementation of a suspension, the IIC is to consider:
 - a. What immediate corrective action the establishment is taking?
 - b. How likely is it, given the establishment's history, that the corrective action will be effective in preventing a recurrence of the root cause of the situation?
 - c. How many animals are on premises or enroute that will need to be slaughtered?
 - d. What conditions threaten the welfare of the animals if they are not promptly slaughtered?

NOTE: The IIC should encourage establishment management to redirect as many animals that are enroute as possible, per provisions in existing Good Manufacturing Practices (GMPs) for other emergency stoppages (e.g., major mechanical breakdowns, flooding) and to order the stoppage of further loading of animals onto trucks at the source location.

2. The IIC is to consult with the DO to inform it of the need to delay the implementation of the suspension action.

3. In this situation, the IIC will need to move a line inspector that is trained in humane handling to an appropriate area to directly observe establishment employees handling or slaughtering animals and decrease the line speed according to staffing standards in 9 CFR 310.1.
4. The IIC may allow slaughter to continue at a reduced line speed for a limited time on her or his own authority. It is not the intent of this section to provide for a “kill-out” but only for a “kill-down” to ensure that the number of animals to be held on-site meets the requirements in 9 CFR 313.2(e) for holding animals overnight. Any concerns IPP may have about allowing slaughter to continue at reduced line speeds are to be addressed through their supervisory chain for resolution.
5. The IIC is to promptly effect the suspension once he or she determines that animals will not be further subjected to inhumane handling.
6. IICs are to document their observations and actions in an MOI and submit it to the DO.

V. TREND OF NONCOMPLIANCE AND LINKING NRs

A. To determine whether a noncompliance trend exists, IPP need to decide whether they can link NRs. IPP are only to link NRs when the noncompliances are from the same or related cause. To make a determination as to whether a trend exists, IPP are to answer to the following questions:

1. How much time has lapsed since the previous NR was written?
2. Was this noncompliance from the same or related cause as the previous NR?
3. Were the establishment’s further planned actions effectively implemented?
4. Is the establishment implementing additional planned actions that reduce the possibility of recurrence?

NOTE: If IPP are finding noncompliance trends in an establishment with a written animal handling program that establishment management has stated it believes effectively addresses the four steps of a systematic approach and thus should be considered robust, they are to notify the DO, and a DVMS may be scheduled to conduct an assessment of the establishment’s handling procedures.

B. NRs listing the same HATS category do not automatically link together. Also, it is possible to have noncompliance in different HATS categories with the same or related cause (e.g., lack of employee training). IPP, using the noncompliance description and the establishment’s corrective actions, are to determine whether the noncompliances arise from the same or a related cause. Support that there is a trend of inhumane

handling is needed for noncompliances that do not immediately affect an animal's safety or that do not involve an egregious inhumane act.

C. IPP are to discuss any linked NRs with establishment management during the weekly meetings

D. IPP are to continue to link NRs together that derive from the same or a related cause until they determine that an enforcement action is necessary to bring the establishment into compliance with the regulations, or that the establishment has successfully corrected the problem.

E. When IPP determine that an enforcement action (i.e., suspension as described in 9 CFR 500.3(b)) is necessary, they are to contact the DO, through supervisory channels, and provide support for this determination.

F. The DO is to determine whether to suspend inspection, as set out in 9 CFR 500.3(b). As provided in this regulation, FSIS may impose a suspension without prior notice if the establishment is handling or slaughtering animals inhumanely.

VI. INFORMATION PROVIDED TO THE DVMS

When noncompliances occur, IPP are to send copies of the NRs (including the establishment's response) once they are closed to the DVMS (or to the DDM if there is no DVMS in a District). These NRs are to be kept on file in the DO as set out FSIS Directive 5100.3, Administrative Enforcement Report (AER).

CHAPTER VIII - CUSTOM EXEMPT ACTIVITIES CONDUCTED IN A FEDERALLY INSPECTED ESTABLISHMENT: HUMANE HANDLING OF LIVESTOCK DESIGNATED AS CUSTOM EXEMPT ANIMALS

A. The FMIA (21 U.S.C. 610(b)) prohibits slaughter or handling of livestock in connection with slaughter in any manner not in accordance with 7 U.S.C. 1901-1906 (HMSA). This applies to all animals on the premises of a federally-inspected establishment whether those animals are designated for slaughter under federal inspection or for slaughter under a Custom Exempt program.

B. When FSIS IPP are on-site performing assigned official duties related to regulated product, and there is concurrent handling and slaughter of livestock under a Custom Exempt program, Agency expectations are that if IPP observe inhumane handling or slaughter practices of custom exempt livestock, they are to take the following actions:

1. Immediately notify establishment management of their observations and request that establishment management address the issue;
2. Document their observations on an MOI;
3. Provide a copy of the MOI by email to:
 - a. their immediate supervisor, and
 - b. the DVMS or a DDM if the DVMS is not available.
4. Provide a copy of the MOI (printed or electronic) to establishment management.

C. Any further actions, as deemed appropriate by the district management team based on documentation provided by in-plant IPP, are to follow the instructions found in Section X.B, "DM Responsibilities" of FSIS Directive 5930.1, "Custom Exempt Review Process."

CHAPTER IX - DATA ANALYSIS

A. The FSIS Office of Data Integration and Food Protection (ODIFP) is to analyze the data from humane handling NRs. The analysis is to include the category of activity under HATS that was indicated by the inspector in Block 10 of the NR. The analysis is also to report on humane handling NRs that are linked by the IPP to indicate a noncompliance trend. ODIFP is to provide the analysis to the Office of Field Operations for appropriate action.

B. In addition, six months from the date of issuance, OPPD is to correlate with the DVMS on the effects of the issuance of this directive on humane handling activities at establishments.

Refer questions regarding this directive to the Policy Development Division through askFSIS at <http://askfsis.custhelp.com> or by telephone at 1-800-233-3935.



Assistant Administrator
Office of Policy and Program Development

FSIS DIRECTIVE 6900.2
REVISION 2
Attachment 1

Humane Methods of Slaughter Act of 1978. (7 U.S.C. 1901 et seq.)

Sec. 1901. - Findings and declaration of policy

The Congress finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and

economies in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce. It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

Sec. 1902. - Humane methods

No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane. Either of the following two methods of slaughtering and handling are hereby found to be humane:

(a) in the case of cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

(b) by slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering.

Section 1906 – Exemption of ritual slaughter

Nothing in this chapter (Humane Methods of Slaughter Act of 1978 – Title 7 of the U.S. Code, Chapter 48) shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of this chapter, in order to protect freedom of religion, ritual slaughter and the handling or other preparation of livestock for ritual slaughter are exempted from the terms of this chapter. For the purposes of this section the term “ritual slaughter” means slaughter in accordance with section 1902(b) of this title.

Attachment 2

Overview of the HUMANE HANDLING REGULATIONS (9 CFR 313)

A. The regulations related to livestock pens, driveways and ramps

9 CFR section 313.1 states:

(a) Livestock pens, driveways and ramps shall be maintained in good repair. They shall be free from sharp or protruding objects which may, in the opinion of the inspector,

cause injury or pain to the animals. Loose boards, splintered or broken planking and unnecessary openings where the head, feet, or legs of an animal may be injured shall be repaired.

(b) Floors of livestock pens, ramps, and driveways shall be constructed and maintained so as to provide good footing for livestock. Slip resistant or waffled floor surfaces, cleated ramps and the use of sand, as appropriate, during winter months are examples of acceptable construction and maintenance.

(c) U.S. Suspects (as defined in 9 CFR 301.2(xxx)) and dying, diseased, and disabled livestock 9 CFR 301.2(y) shall be provided with a covered pen sufficient, in the opinion of the inspector, to protect them from the adverse climatic conditions of the locale while awaiting disposition by the inspector.

(d) Livestock pens and driveways shall be so arranged that sharp corners and direction reversal of driven animals are minimized.

B. The regulation related to handling of livestock

9 CFR section 313.2 states:

(a) Driving of livestock from the unloading ramps to the holding pens and from the holding pens to the stunning area shall be done with a minimum of excitement and discomfort to the animals. Livestock shall not be forced to move faster than a normal walking speed.

(b) Electric prods, canvas slappers, or other implements employed to drive animals shall be used as little as possible in order to minimize excitement and injury. Any use of such implements which, in the opinion of the inspector, is excessive, is prohibited. Electrical prods attached to AC house current shall be reduced by a transformer to the lowest effective voltage not to exceed 50 volts AC.

(c) Pipes, sharp or pointed objects, and other items which, in the opinion of the inspector, would cause injury or unnecessary pain to the animal shall not be used to drive livestock.

(d) Disabled livestock and other animals unable to move.

(1) Disabled animals and other animals unable to move shall be separated from normal ambulatory animals and placed in the covered pen provided for in section 313.1(c).

(2) The dragging of disabled animals and other animals unable to move, while conscious, is prohibited. Stunned animals may, however, be dragged.

(3) Disabled animals and other animals unable to move may be moved, while conscious, on equipment suitable for such purposes; e.g., stone boats.

(e) Animals shall have access to water in all holding pens and, if held longer than 24 hours, access to feed. There shall be sufficient room in the holding pen for animals held overnight to lie down.

(f) Stunning methods approved in section 313.30 shall be effectively applied to animals prior to their being shackled, hoisted, thrown, cast or cut.

C. The general regulatory requirements related to approved stunning methods

Appropriate stunning methods are required for an establishment to be in compliance with the HMSA. When stunning is done correctly, animals feel no pain, are rendered instantly unconscious, and remain unconscious until slaughtered. There are four methods of stunning approved for livestock. A summary of these approved stunning methods appear below (refer to 9 CFR sections 313.5, 313.15, 313.16 and 313.30).

Chemical; carbon dioxide

Regulatory requirements for the use of carbon dioxide as a humane method of slaughter are specified in section 313.5 and include, among other things, the following:

- 1) Carbon dioxide gas may be used to slaughter and handle sheep, calves and swine.
- 2) The carbon dioxide gas shall be administered in a chamber so as to produce surgical anesthesia (a state where an animal feels no painful sensation) before the animal is shackled, hoisted, thrown, cast, or cut. Animals shall be exposed to the carbon dioxide gas in a way that will accomplish the anesthesia quickly and calmly.
- 3) Gas concentrations and exposure times shall be graphically recorded throughout each day's operation.
- 4) It is necessary that the operator be skilled, attentive, and aware of his or her responsibility.

Mechanical; captive bolt

Regulatory requirements for the use of captive bolt stunners as a humane method of slaughter are specified in section 313.15 and include, among other things, the following:

- 1) Captive bolt stunners may be used to slaughter and handle sheep, swine, goats, calves, cattle, horses, mules, and other equines.
- 2) The captive bolt stunners shall be applied to livestock so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut.

3) The stunning operation is an exacting procedure and requires a well-trained and experienced operator who must use the correct detonating charge with regard to kind, breed, size, age, and sex of the animal to produce the desired results.

4) Stunning instruments must be maintained in good repair.

Mechanical; gunshot

Regulatory requirements for the use of gunshot as a humane method of slaughter are specified in section 313.16 and include, among other things, the following:

1) Shooting by firearms may be used to slaughter and handle cattle, calves, sheep, swine, goats, horses, mules, and other equines.

2) A single shot delivery of a bullet or projectile into the animal is to produce immediate unconsciousness in the animal before it is shackled, hoisted, thrown, cast or cut.

3) Firearms must be maintained in good repair.

4) The shooting operation is an exacting procedure and requires a well-trained and experienced operator who must be able to accurately direct the projectile to produce immediate unconsciousness.

5) The operator must use the correct caliber firearm, powder charge and type of ammunition to produce instant unconsciousness in the animal.

Electrical; stunning or slaughtering with electric current

Regulatory requirements for the use of electric current as a humane method of slaughter are specified in section 313.30 and include, among other things, the following:

1) Electric current may be used to slaughter and handle swine, sheep, calves, cattle, and goats.

2) The animal shall be exposed to the electric current in a way that will accomplish surgical anesthesia (a state where an animal feels no painful sensation) quickly and effectively before they are shackled, hoisted, thrown, cast, or cut.

3) It is necessary that the operator of electric current application equipment be skilled, attentive, and aware of his or her responsibility.

4) Suitable timing, voltage and current control devices shall be used to ensure that each animal receives the necessary electrical charge to produce immediate unconsciousness.

9 CFR 313.50 Tagging of equipment, alleyways, pens, or compartments to prevent inhumane slaughter or handling in connection with slaughter.

When an inspector observes an incident of inhumane slaughter or handling in connection with slaughter, he/she shall inform the establishment operator of the incident and request that the operator take the necessary steps to prevent a recurrence. If the establishment operator fails to take such action or fails to promptly provide the inspector with satisfactory assurances that such action will be taken, the inspector shall follow the procedures specified in paragraph (a), (b), or (c) of this section, as appropriate.

(a) If the cause of inhumane treatment is the result of facility deficiencies, disrepair, or equipment breakdown, the inspector shall attach a "U.S. Rejected" tag thereto. No equipment, alleyway, pen or compartment so tagged shall be used until made acceptable to the inspector. The tag shall not be removed by anyone other than an inspector. All livestock slaughtered prior to such tagging may be dressed, processed, or prepared under inspection.

(b) If the cause of inhumane treatment is the result of establishment employee actions in the handling or moving of livestock, the inspector shall attach a "U.S. Rejected" tag to the alleyways leading to the stunning area. After the tagging of the alleyway, no more livestock shall be moved to the stunning area until the inspector receives satisfactory assurances from the establishment operator that there will not be a recurrence. The tag shall not be removed by anyone other than an inspector. All livestock slaughtered prior to the tagging may be dressed, processed, or prepared under inspection.

(c) If the cause of inhumane treatment is the result of improper stunning, the inspector shall attach a "U.S. Rejected" tag to the stunning area. Stunning procedures shall not be resumed until the inspector receives satisfactory assurances from the establishment operator that there will not be a recurrence. The tag shall not be removed by anyone other than an inspector. All livestock slaughtered prior to such tagging may be dressed, processed, or prepared under inspection.

Attachment 3

ELEMENTS OF A ROBUST SYSTEMATIC APPROACH TO HUMANE HANDLING AND SLAUGHTER

There is no regulatory requirement for a systematic approach to humane handling and slaughter. However, if an establishment develops and maintains a robust systematic approach to humane handling and slaughter, FSIS would take that into consideration in the event of an egregious inhumane incident (see Chapter VII, IV, C). For FSIS to consider a systematic approach to be robust, the Agency has the

expectation that the systematic approach include a written animal handling program that effectively addresses, through its design, maintenance, and execution, the four aspects of a systematic approach (2004 Federal Register Notice) and that also:

- Describes procedures that the establishment will effectively implement to stay in compliance with the humane handling regulations,
- Describes records that the establishment will keep to demonstrate that the program is being implemented as written,
- Describes records that the establishment will keep to demonstrate the program will effectively prevent identified potential noncompliances,
- Describes actions the establishment will take when it fails to implement the program as written or fails to prevent a noncompliance, and
- Is available to inspection program personnel for review.

If the management at an establishment requests that IPP consider the establishment's systematic approach to humane handling and slaughter to be robust, IPP are to consider criteria, such as the ones that are set out below, when reviewing the written humane handling program and associated records in determining whether it is robust.

INITIAL ASSESSEMENT

Has the establishment conducted an initial assessment of what needs to be included in a humane handling program that addressed such matters as:

- Areas or equipment specific to the establishment where, or that could cause, animals to experience excitement, discomfort, or accidental injury.
- Standard animal handling procedures specific to the establishment to ensure that livestock are handled in a manner to minimize excitement, discomfort, and accidental injury.
- Stunning procedures and equipment that are designed to prevent an ineffective stun or a return to consciousness after stunning.

Is there documentation to support that the establishment performed this assessment?

NOTE: Formats that this documentation may take include, but are not limited to, a narrative, a checklist with descriptions of any problem areas or procedures identified, or a flow chart with process control points identified for any area or equipment identified as a potential problem. Also, if establishments have had an animal handling program in place for a number of years, and they no longer have available the documentation for

their initial assessment, IPP are to ask establishment management to describe the assessments and actions the establishment undertook during the development of its animal handling program. IPP are to document this discussion in a Memorandum of Interview and provide copies to establishment management and the DO as well as maintain a copy in the official in-plant inspection files.

FACILITY DESIGN AND HANDLING PRACTICES

Has the establishment put in place a systematic approach to humane handling that addresses such matter as:

An animal handling program, facility design, and methods for correcting identified problems.

- Standard operating procedures (SOPs) for live animal handling; for example, has the establishment:
 - Designated a person or a position responsible for providing water and feed so as to meet regulatory requirements;
 - Posted stocking levels for live animal holding pens; and
 - Developed procedures for identifying and handling disabled or very young animals.
- An animal handling training program for new employees working with live animals.
- Scheduled periodic (e.g., quarterly, annual) refresher training for all employees responsible for handling live animals.
- Procedures for checking that contracted truck drivers delivering animals to the establishment have received humane handling certification.
- Procedures for ensuring (e.g., through maintenance records or recording devices) that stunning devices (e.g., captive-bolt, firearm, electrical stunning system, CO2 system) are properly and regularly maintained so that animals are rendered insensible to pain as provided for in the regulations for the various stunning methods.

Does the establishment maintain documentation of its programs that address these matters?

ONGOING EVALUATION OF IMPLEMENTATION

Has the establishment adopted written procedures for verifying that its program is effectively implemented, such as:

- A method for assessing, e.g., through periodic monitoring, whether those establishment areas where live animals are held or pass through are in good condition and do not present any potential for injury, for example:
 - Evidence that written work orders are created when facility repairs are needed,
 - Maintenance logs to document that regular equipment inspections and maintenance are performed on permanent facility equipment used to move animals, e.g., hydraulic gates, direct current prods.
 - A method for ensuring that the animal handling program is effectively implemented, such as an in-house monitoring procedure that:
 - Specifies at what time intervals (e.g., hourly, daily, weekly) the monitoring will be performed, and
 - Identifies designated monitoring points in the process from truck unloading through stunning and bleed-out.

NOTE: At establishments performing only ritual slaughter, monitoring would be appropriate for all handling practices up to the point where an animal is restrained for the ritual cut (i.e., “intimate restraint”), and after an animal is released from the intimate restraint.

- In-house humane handling audits that employ accepted industry auditing methodologies.
- Third-party humane handling audits that are performed and the results reviewed, on a regular basis by establishment management.
- Video surveillance of live animal holding and handling areas or of the stunning area that allows designated establishment employees or contract personnel to:
 - In the case of live-feed-only systems, observe the feed from the video camera on a regular but random basis, or
 - In the case of systems with recording capability, regularly review a random selection of the records.
- Provision in the animal handling program for periodic documented monitoring of the stunning through bleed-out area to assess stunning practices and to verify that no animals return to consciousness during the post-

stun through bleed-out period.

- An annual reassessment, of all features of the program that reviews the program design, results, and effectiveness.
- A methodology to identify developing trends, e.g., Statistical Process Control charting, whereby establishment management, or its designee, makes periodic (e.g., weekly, monthly, quarterly) reviews of deficiencies identified during monitoring or audits and, based on these reviews, makes decisions to remedy the deficiencies.

RESPONSE TO EVALUATIONS

Does the establishment have a written program for responding to and making changes in response to identified problems, such as:

- Provisions in the written animal handling program addressing actions to take in the event of a natural disaster, e.g., flood, tornado, or other catastrophic event such as a facility fire or major mechanical breakdown, to minimize injury or distress to animals on-site at or enroute to the establishment.
- A methodology to track changes made in handling methods that address actual and potential problems identified during monitoring or audit activities.
- A methodology that employees and management would implement in the event an unanticipated inhumane incident occurs, for example:
 - The methodology might specify that, if an employee observes an inhumane handling incident, that employee is to immediately take action to eliminate or minimize any further animal pain and notify his/her supervisor;
 - The methodology might specify that the supervisor will document the report of the incident, make an assessment based on an investigation, and develop preventative measures to prevent recurrence;
 - The methodology may provide that if an inhumane stunning incident occurs employees are to take immediate action to minimize any further animal pain, stop further slaughter, and notify management;
 - The methodology may provide that management will make an assessment of the incident and will implement immediate corrective actions to prevent recurrence before resuming slaughter, and that the incident as well as all actions taken will be documented; or
 - The methodology may provide that the establishment's animal handling program will be reviewed and updated as needed, and that there is a

provision for periodic, e.g., annual, assessment of the written animal handling program by management personnel.

The above examples are not intended to be an inclusive list. If IPP have questions or concerns they should inquire through their supervisory chain to the District Veterinary Medical Specialist at the DO for clarification.

Attachment 4

**“SAMPLE” - MEMORANDUM OF INTERVIEW REGARDING A SUSPENSION
TAKEN FOR AN EGREGIOUS SITUATION OF INHUMANE HANDLING OR
SLAUGHTER**

Memorandum of Interview

July 21, 2010

Today, February 15, 2008, at approximately 3:15pm, I verbally notified Mr. Bob Jones, Establishment Manager, of my decision to suspend inspection at Establishment XXX. I advised Mr. Jenkins that I was also contacting the District Office about the suspension action and that the District Office would be following up with a written suspension letter

to the establishment. I based my decision to suspend inspection at the establishment on the following:

At approximately 2:35pm today, after examining hogs in suspect pen #2, I observed a hog that had already been stunned lying on the floor next to the south end of the shackle table. Upon closer observation, I saw that the hog was breathing rhythmically and had an intact palpebral reflex. The hog was also attempting to sit up but was unable to do so. Two establishment employees, Ms. Sally Johnson, and Mr. Tim Pratt were standing at the suspect pen laughing as the hog was repeatedly attempting to sit up but unable to do so. There was also one hog in the squeeze retainer that was about to be stunned and one hog that had been recently stunned hanging on the bleed chain in preparation for further processing.

I instructed establishment employees to immediately re-stun the hog that was repeatedly attempting to sit up and I observed the proper re-stunning of this animal. I also instructed establishment employees to properly stun the one hog that was in the squeeze retainer and I observed the proper stunning of this animal. I then advised establishment employees that further processing of these two hogs and the one hog hanging on the bleed chain could continue, but that I was implementing a regulatory control action to prevent the slaughter of animals until the inhumane stunning issues could be addressed. I then tagged the gate that allowed hogs to enter to the squeeze retainer thereby stopping the slaughter process. I then left the stunning area and located the Establishment Foreman, Mr. Ronald Tucker to alert him of this situation. I advised Mr. Tucker that the regulatory control action to stop further stunning would remain in place. I also advised him that due to the seriousness of this matter, an immediate suspension was being taken and that I was alerting the District Office of the suspension.

/s/ Inspector-in-Charge, Jim James

NOTE: This sample MOI is intended to convey the minimum information to be included to support an immediate suspension for inhumane handling or slaughter. It is recognized that on a “case by case” basis and through discussions held with the District Office/DVMS, that an MOI may contain more detail to describe the facts and the basis for taking the suspension action.

Attachment 5

**“SAMPLE” - MEMORANDUM OF INTERVIEW REGARDING ISSUANCE OF NOIE
FOR AN EGREGIOUS SITUATION OF INHUMANE HANDLING OR SLAUGHTER**

Memorandum of Interview

July 21, 2010

Today, July 21, 2010, at approximately 2:50 pm, I verbally notified Mr. John Jones, the establishment manager, that I had taken a regulatory control action in the stunning area for improper stunning resulting in an egregious inhumane treatment of a hog. I also informed Mr. Jones that I was contacting the District Office to discuss and recommend the issuance of a notice of intended enforcement (NOIE) action rather than a

Suspension, unless the DO determines otherwise. I based my decision to recommend the NOIE on the following circumstances and establishment history:

At approximately 2:30 pm today while verifying the establishment's implementation of their humane handling program at the stunning area, I observed a recently hired employee become flustered with the squeeze chute which had been recently repaired. As the next hog approached the employee's station, the employee looked down at the chute before attempting to stun the hog, which resulted in a miss-stun. The employee immediately tried a second time to stun the hog and, simultaneously, the squeeze chute began to malfunction causing the hog to move quickly to the side. The bolt entered the side of the hog's head causing the animal to panic. The animal by this time was vocalizing loudly and thrashing about, making it difficult for the employee to attempt a third stun. The slaughter supervisor stopped the line and, at that point, the employee was able to effectively stun the animal. The slaughter supervisor informed me that he would immediately get maintenance to work on the squeeze chute and instruct the employee on properly restraining and stunning a fractious animal. I placed a "U.S. Rejected" tag (#1234567) on the entrance to the stunning area and left the stunning area to inform establishment management of this incident and enforcement action taken.

My decision to recommend an NOIE to the District Office is due to the fact that you have a written animal handling program that has effectively implemented a robust systematic approach to humane handling resulting in the high rate of compliance you have exhibited over the last 6 months. The events I observed today and recorded above appear to be an unintentional random occurrence that resulted in an egregious inhumane handling incident. Your supervisor's actions were as indicated in your animal handling program. This history coupled with your supervisor's immediate and effective intervention led to my recommendation to an NOIE instead of a Suspension.

/s/Inspector-in-Charge

NOTE: This sample MOI is intended to convey the minimum information to be included to support an NOIE for inhumane handling or slaughter. It is recognized that on a "case by case" basis and through discussions held with the District Office/DVMS, that an MOI may contain more detail to describe the facts and the basis for taking the NOIE.