



Animal Welfare Institute

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May 26, 2016

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

Re: Abandonment of birds at poultry establishments

Dear Mr. Almanza:

I wish to bring to your attention an issue of great concern regarding the treatment of birds at poultry slaughter establishments in the United States. Through the review of enforcement records obtained under the Freedom of Information Act, the Animal Welfare Institute (AWI) has discovered that large numbers of birds are suffering and dying as a result of being abandoned for extended periods of time—often during extreme weather conditions—in the holding areas of slaughter plants.

For example, in June 2015, Establishment P1480 (Tip Top Poultry) rejected the advice of inspection personnel not to leave 6 trucks of birds over the weekend, in extreme heat conditions and without food or water. Two months later, the same establishment left 3½ trucks of birds over the weekend, again in extreme heat conditions without food or water, and despite being cautioned by inspection personnel not to abandon the birds. In another case, in February 2014, Establishment P17766 (Southern Hens) subjected thousands of birds to sub-freezing temperatures while being held at the plant for up to 4 days. In January 2014, Establishment P689 (Simmons Custom Processing) held birds at the plant for 2 days during sub-freezing temperatures, resulting in at least 7,300 dead-on-arrival birds. In yet another incident, in November 2013, Establishment P9965 (PA Farm Products) held about 870 turkeys on a truck without food or water for at least 50 hours. All of these incidents (the relevant records are enclosed) appear to have resulted in a large number of birds dying other than by slaughter.

The Food Safety and Inspection Service (FSIS) must take action to prevent the occurrence of similar incidents in the future. FSIS can accomplish this by revising its regulations and directives. FSIS inspectors currently do not have the regulatory authority to order plants not to hold birds beyond a reasonable period. Inspection personnel also currently lack the regulatory authority to cite slaughter establishments for instances where birds have been abandoned and suffering and/or death resulted. Under current regulation and policy, the only recourse of FSIS inspectors is to advise plants not to abandon birds and to issue a Memorandum of Interview (MOI) in the event that a plant fails to take this advice and deaths other than by slaughter occur.

In preparing Noncompliance Records (NRs) and MOIs for inhumane handling of birds, inspection personnel typically cite one of two regulations—9 CFR 381.65(b) and 9 CFR 381.90—neither of which are relevant to this type of incident. Regulation 9 CFR 381.65(b) addresses birds drowning in the scald tank and does not refer to any other aspect of live bird handling. Regulation 9 CFR 381.90 requires that “carcasses of poultry showing evidence of having died from causes other than slaughter” be condemned, but it does not prohibit behavior that has the potential to result in death from causes other than slaughter.

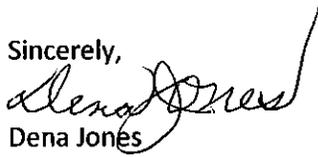
FSIS must revise its regulations to prohibit behavior with the potential to cause birds to die other than by slaughter, which according to the Poultry Products Inspection Act (PPIA) is a form of adulteration. The PPIA gives the FSIS the integral task of preventing the sale of adulterated poultry products, and expressly states that the agency has authority to write rules and regulations to prevent adulteration.¹ Such a regulation would allow inspection personnel to take action to prevent or respond to acts of intentional animal neglect or cruelty, be it abandoning birds or physically abusing birds, as these acts increase adulteration.

FSIS should also revise its directive on ante-mortem poultry inspection (6100.3) to include actions that inspection personnel may take in situations of suspected animal neglect or cruelty. In these cases, FSIS has a responsibility to contact appropriate state officials to inform them that the agency believes animal neglect or cruelty may have occurred, and the situation should be investigated for potential prosecution under the state anti-cruelty law.

It is evident from enforcement records that FSIS inspection personnel desire to protect birds from avoidable suffering, which is commendable. However, the records also clearly demonstrate that issuance of a MOI after the fact does little to deter similar behavior in the future. FSIS has placed its inspectors in a position of being forced to witness intentionally-inflicted animal suffering, with no power to prevent it, because the agency has failed to provide its personnel with the tools needed to respond to these situations.

AWI strongly urges you to instruct the Office of Field Operations and Office of Policy and Program Development to collaborate in revising FSIS regulations and directives to prevent incidents of avoidable suffering and death other than by slaughter at poultry slaughter establishments.

Sincerely,



Dena Jones

Director, Farm Animal Program

Enclosures

cc: Mr. William Smith, Assistant Administrator, Office of Field Operations

Dr. Dan Engeljohn, Assistant Administrator, Office of Policy and Program Development

¹ 21 U.S.C. § 452; See 21 U.S.C. §463(b) (stating that “the Secretary shall promulgate such other rules and regulations as are necessary to carry out the provisions of this chapter.”).