



United States
Department of
Agriculture

Food Safety and
Inspection Service

Washington, DC 20250-
3700

Gina Tomaselli
Peter A. Brandt
The Humane Society of the United States
2100 L Street NW
Washington, DC 20037

MAR 13 2013

Dear Ms. Tomaselli and Mr. Brandt:

The Food Safety and Inspection Service (FSIS) has completed its review of the petition submitted on behalf of the Humane Society of the United States (HSUS) requesting that FSIS amend its ante-mortem inspection regulations to remove the provision that allows veal calves that are non-ambulatory because they are tired or cold to be set aside to be warmed or rested (9 CFR 309.13(b)). The petition requests that FSIS amend its regulations to require that all non-ambulatory disabled (NAD) veal calves offered for slaughter be condemned and promptly and humanely euthanized. After carefully considering the issues raised in the petition and comments submitted in response to a *Federal Register* notice (76 FR 6572; February 7, 2011) announcing the receipt of, and requesting comments on, the petition, FSIS has decided to grant the petition.

As noted in the petition, the Humane Methods of Slaughter Act of 1978 (HMSA) requires that livestock, including NAD veal, be humanely handled in connection with slaughter. FSIS has concluded that prohibiting the slaughter of all NAD veal calves would improve the Agency's inspection efficiency by eliminating the time that FSIS inspection program personnel spend assessing and supervising the treatment of NAD veal calves. FSIS has also concluded that prohibiting the slaughter of all NAD veal calves will improve compliance with the HMSA and the humane slaughter implementing regulations. The Agency agrees that the provision that allows veal calves to be set aside to be warmed or rested may create an incentive for establishments to inhumanely force non-ambulatory veal calves to rise and for veal calf producers to send weakened calves to slaughter.

Thus, the Agency has decided to grant the petition and will propose to amend its ante-mortem inspection regulations to prohibit the slaughter of NAD veal calves to better ensure humane handling requirements established pursuant to 21 U.S.C. 603(b) are satisfied, and to ensure the effective implementation of ante-mortem inspection pursuant to 21 U.S.C. 603(a) of the Federal Meat Inspection Act. Because our resources for regulatory development are limited, however, the Agency is unable at this time to project when it will initiate rulemaking. The Agency will continue to use its existing authority to ensure that veal calves and other livestock are humanely handled in connection with slaughter.

Ms. Gina Tomaselli
Mr. Peter A Brandt
Page | 2

In accordance with FSIS regulations, the petition was posted on the FSIS website in November 2009, and the Agency intends to post this response as well.

Sincerely,



Alfred V. Almanza
Administrator
Food Safety Inspection Service