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Re: Mercy For Animals Petition to Include Poultry Under the Humane Methods of Slaughter Act (Petition No. 17-06)

Dear Assistant Administrator Wagner,

We write to express our support for Rulemaking Petition 17-06, submitted on November 15, 2017 by Mercy For Animals to the Food Safety and Inspection Service (FSIS). This petition requests that FSIS initiate rulemaking to include poultry as “livestock” under the Humane Methods of Slaughter Act (HMSA) (7 U.S.C. §§ 1901–1907) and as “amenable species” under the Federal Meat Inspection Act (FMIA) (21 U.S.C. §§ 601 *et seq.*). This petition also asks FSIS to determine methods of slaughter for bird species that comply with requirements under the HMSA and issue directives, notices, and other policy and guidance documents for enforcement of the humane slaughter provisions at official poultry slaughter establishments.

The Government Accountability Project, through its Food Integrity Campaign (FIC), works to promote the integrity of the food system by empowering food industry whistleblowers. For nearly a decade, USDA FSIS Inspection Personnel have reached out to us regarding the treatment of poultry. Poultry inspectors report unsuccessful attempts to hold plants accountable for animal mistreatment. Inspection Personnel understand that their inability to improve the well-being of the birds is a direct result of the HMSA non-applicability to poultry.

Despite wanting to do more, without HMSA, poultry inspectors currently lack the full mandate to protect animal welfare, worker well-being and food safety. One meat inspector anonymously relayed to us, “Since the HMSA does not apply to poultry, I do not believe the humane handling and slaughter of poultry is a high priority for USDA management. However, I believe that many FSIS personnel, both management and non-management would like to see the regulations for the humane handling of poultry implemented.”ⁱ Another commented in response to a survey question about GCP’s and HMSA, “WE NEED MORE THAN CFR 381.65(b) NOW. We need regulations for humane handling of poultry.”ⁱⁱ

“It is the sense of Congress that HMSA exists to prevent needless suffering; result in safer and better working conditions for persons engaged in slaughtering operations; bring about improvement of products and economies in slaughtering operations; and produce other benefits for producers, processors, and consumers that tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce.”ⁱⁱⁱ

HMSA’s scope is impressive, and common sense dictates that HMSA’s benefits should and could extend beyond the animal species covered now. Moreover, the arbitrary distinction between covered species is a disservice to consumers who have come to expect equivalent standards. A 2014 survey conducted by Edge Research, Inc. and commissioned by the ASPCA reveals that consumers are very concerned with how chickens are treated. The ASPCA’s survey found that more than 80 percent of respondents feel it’s important that the chickens they eat be humanely raised.^{iv} It stands to reason that those same consumers also share similar presumptions regarding chickens being humanely slaughtered.

HMSA in high-speed poultry plants

HMSA applicability would be a welcome and much needed addition in the wake of newly increased poultry line speeds. There is currently movement toward increased line speeds at the USDA. Specifically, the newly minted New Poultry Inspection System (NPIS) and a National Chicken Council Petition call for such increases. At 175 birds per minute, plant workers process animals at breakneck speeds, leaving inspectors merely 1/3 of a second to inspect each bird. We believe that this new high-speed inspection model puts birds, workers, and consumers at greater risk, and that HMSA could help allay some of those concerns.

Meat inspectors, through signed affidavits, have expressed concerns about increased fecal contamination and Other Consumer Protections (OCP’s) at high-speed poultry plants. Unlike fecal, OCP’s are defects that do not pose public health threats but do affect the wholesomeness of the product. Many OCP’s such as bruising, cuts, and sores can be the result of inhumane handling such as improper shackling. One inspector shared the following remarks about OCP’s and line speeds:

It is difficult to determine the wholesomeness of birds because they are going by so fast and even if we could see every bird at that speed and we detect problems, we are not permitted to stop the line. These characteristics include Other Consumer Protection defects (OCPs). OCPs include things like ingesta, crops, excessive feathers, tumors, bruises, blisters, and other items found on carcasses.”^v

Fecal contamination is less prevalent but many times more dangerous. Poultry in general, but more specifically high-speed poultry slaughter, create a risk of fecal contamination of meat - which is already a widespread problem. Animals caked in feces are more likely to shed feces into meat. In turn, the feces carries harmful and even deadly bacteria like *Salmonella*, *Campylobacter*, and *E. coli* to consumers. One inspector remarked:

Allowing those birds to go into the chiller caked in fecal matter makes about as much sense as being covered in dirt and taking a mud bath. Consumers wouldn't like it and I wouldn't eat it.^{vi}

Lastly, in all poultry plants, but especially in high-speed ones, plant workers suffer debilitating musculoskeletal injuries and an increased risk of dangerous skin and respiratory infections and exposure to antibiotic-resistant bacteria. Improperly handled chickens put stress on both animals and workers. Workers, fearful of their supervisors, rarely speak out against hazardous conditions for themselves or harm to the animals in production. This culture could change with implementation of HMSA.

FIC poultry inspectors have shared worker stories with us. Phyllis McKelvey, a retired USDA inspector, spoke out against increased line speeds. Among her many concerns about poultry production, Phyllis shared her concerns about plant workers.

[Poultry workers] are intimidated by their supervisors and let everything [OCP's and contamination] go...such a high rates of speed cause big knots come up on their wrists and arms...They get injured but they don't say anything because they are scared.^{vii}

For nearly 60 years, it has been the law of the United States that the slaughter of livestock shall be conducted by humane methods. But the USDA's current interpretation of the HMSA excludes from its scope chicken and poultry-98 percent of the animals who are slaughtered for food in this country every year - flouting the spirit and letter of this law. Stated differently, the only federal law governing the humane slaughter of animals covers 146 million animals but excludes 9 billion. This is simply unacceptable.

On behalf of our members, clients, and supporters who believe that all food animals deserve HMSA protection, we urge you to grant this petition.

Sincerely,



Louis Clark
Executive Director/CEO



Amanda Hitt
Director, Food Integrity Campaign

ⁱ Anonymous Whistleblower Survey Response (7.4.2014). Available for inspection

ⁱⁱ Anonymous Whistleblower Survey Response (5.31.2014). Available for inspection

ⁱⁱⁱ 7 U.S.C. § 1901 (2012)

^{iv} <https://www.asPCA.org/about-us/press-releases/treat-my-chicken-right-aspca-survey-shows-consumers-want-more-humanely>

^v https://www.foodwhistleblower.org/wp-content/uploads/2014/07/PoultryRule_Affidavit_6.pdf

^{vi} https://www.foodwhistleblower.org/wp-content/uploads/2014/07/PoultryRule_Affidavit_6.pdf

^{vii} American Whistleblower Tour: Phyllis McKelvey at American University

<https://www.youtube.com/watch?v=YaUbcOjt778> (39:30)