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Gaining Some Insight Into the Agency's Situation-Based Humane Handling



By Sally Fernandez

On September 15, 2011, the U.S. Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) implemented FSIS Directive 6900.2, Revision 2, "Humane Handling and Slaughter of Livestock." This directive informed Agency inspectors of the requirements, verification activities, and enforcement actions for ensuring that the handling and slaughter of livestock minimizes the animal's amount of excitement, pain, injury, or discomfort.

In conjunction with the implementation of this directive, and as

a complement to earlier training, FSIS began training its inspection personnel with situation-based training on humane handling. Copies of the training and the discussion points were mailed to many of you as part of our continuing effort to enhance and improve your knowledge and understanding of humane handling and slaughter laws, regulations, and directives. In this issue, we'll review some of the hypothetical situations presented during training to our inspectors and public health veterinarians.

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Situation 1: Cattle are left in the alleyway overnight and cannot reach the water troughs. All animals appear to be in good condition.

1) Does this scenario represent noncompliance?

Yes. Title 9 of the *Code of Federal Regulations*, section 313.2(e) (9 CFR 313.2(e)), requires that animals have access to water in holding pens. In this case, the alley is being used as a holding pen.

2) If so, is it an “egregious” situation?

No, it does not meet the definition of “egregious.” As defined by FSIS Directive 6900.2, Revision 2, an “egregious situation” is any act or condition that results in severe harm to animals, e.g., making cuts on or skinning conscious animals; excessive beating or prodding of ambulatory or nonambulatory, disabled animals; dragging of conscious animals; driving animals off semi-trailers over a drop-off without providing adequate unloading facilities (animals are falling to the ground); running equipment over conscious animals; stunning animals and then allowing them to regain consciousness; 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; dismembering conscious animals, e.g., cutting off ears or removing feet; leaving disabled livestock exposed to adverse climate conditions while awaiting disposition; or, otherwise, causing unnecessary pain and suffering to animals, including situations on trucks.

3) What action should be taken by FSIS inspectors?

Inspectors are to notify the plant. In accordance with 9 CFR 313.50 (b) and 9 CFR 500.2 (a)(4), if not promptly corrected, the inspector is to take a regulatory control action. If the establishment promptly corrects the situation after notification, then a regulatory control action would not be necessary. In every noncompliance case, the inspector is required to document the noncompliance.

Note: If the failure to provide water is a repetitive finding, the inspector-in-charge (IIC) should notify the district office, through supervisory channels, for consideration of additional enforcement action. This would also apply to other humane handling noncompliances of a repetitive nature.

Situation 2: A plant employee is operating a forklift using its sharp, bare metal forks to roll and lift a nonambulatory, disabled, and conscious cow. The cow vocalizes loudly in response.

1) Does this scenario represent noncompliance?

Yes. Title 9, CFR 313.2(d)(3) requires suitable equipment for moving disabled animals. A forklift with sharp, bare metal forks is not suitable for carrying a disabled cow. Also, rolling the animal with a forklift would cause unnecessary pain and suffering.

2) If so, is it an egregious situation?

Yes, because it meets the definition of “egregious noncompliance” from FSIS Directive 6900.2, Revision 2.

3) What action should be taken by Agency inspectors?

In accordance with 9 CFR 313.50(b) and 9 CFR 500.2(a) (4), a regulatory control action should be taken and the IIC will follow current instructions in FSIS Directive 6900.2, Revision 2 for “egregious noncompliance.”

Here are the current instructions to inspection personnel if an egregious noncompliance is observed:

- In order to prevent the inhumane handling and slaughter of livestock from continuing, the IIC or designee is to stop it immediately with an appropriate regulatory control action.
- The IIC will orally notify the plant management that he/she is calling the district office to discuss and recommend a suspension action be taken, in accordance with 9 CFR 500.3 (b).
- The IIC will 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 district office and the District Veterinary Medical Specialists (DVMS) for their use in documenting the enforcement action.
- The directive provides for two situational exceptions to the instructions listed above:

(1) If the plant has been operating under a documented, robust, and systematic approach for humane handling and has demonstrated that it can effectively implement the aspects of its plan that addresses the situation, the IIC, frontline supervisor, district office, and DVMS may determine (after consultation with the plant or with each other) that the egregious act was an anomaly. This determination may impact the decision regarding whether or not to take a suspension action.

(2) In certain situations where a suspension action would be warranted, but is likely to result in the 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), implementation of the suspension action may be delayed until the IIC can ensure that all animals on site or in transit have been handled humanely. In this situation, the IIC will need to move a line inspector to an appropriate area to observe plant employees handling or slaughtering animals, and decrease the line speed in accordance with staffing standards.

Situation 3: Ice, snow, or mud buildup is causing cattle to slip and slide on the unloading chute. Two animals fall down, but immediately rise and appear unhurt.

1) Does this scenario represent noncompliance?

Yes, Title 9, CFR 313.1(b) requires that the establishment provide good footing.

2) If so, is it an egregious situation?

No, it does not meet the definition of “egregious” as defined by FSIS Directive 6900.2, Revision 2.

3) What action should be taken by FSIS inspectors?

The inspector will notify the establishment. If not promptly corrected, the inspector will take a regulatory control action in accordance with 9 CFR 313.50 and 9 CFR 500.2(a)(4). If, after the notification, the plant promptly corrects the situation, a regulatory control action will not be necessary. However, the inspector is required to document the noncompliance on a noncompliance record anyway.

Situation 4: A cow in a chute with limited room to move (stopped animal in front and gate behind) is shocked repeatedly in the anus. The cow vocalizes loudly and tries to push against the animal ahead.

1) Does this scenario represent noncompliance?

Yes, Title 9, CFR 313.2(a) requires that animals be driven with minimal excitement and discomfort, and 9 CFR 313.2(b) requires that prods be used as little as possible. Excessive use is prohibited.

2) If so, is it an egregious situation?

Yes, it meets the definition for egregious noncompliance from Directive 6900.2, Revision 2. Prodding in sensitive areas such as the anus, genitalia, eyes, and ears is particularly painful to animals. The fact that the animal cannot move forward or backward further supports the decision that it is an egregious noncompliance.

3) What action should be taken by FSIS inspectors?

In accordance with 9 CFR 313.50(b) and 9 CFR 500.2(a)(4), a regulatory control action should be taken. The IIC will follow current instructions in FSIS Directive 6900.2, Revision 2, for egregious noncompliance.

Situation 5: A plant employee drags a nonambulatory, disabled conscious lamb from the front of a trailer.

1) Does this scenario represent noncompliance?

Yes, Title 9, CFR 313.2(d)(2) prohibits dragging conscious animals.

2) If so, is it an egregious situation?

Yes, it meets the definition for egregious noncompliance from Directive 6900.2, Revision 2.

3) What action should be taken by Agency inspectors?

In accordance with 9 CFR 313.50(b) and 9 CFR 500.2(a)(4), a regulatory control action should be taken. The IIC will follow current instructions in FSIS Directive 6900.2, Revision 2, for egregious noncompliance.

Note: Pushing a nonambulatory, disabled conscious animal across a surface is the same as dragging. There would be no noncompliance if the animal were properly stunned (9 CFR 313.2(d)(2)). Dragging an animal on a trailer is the same as dragging it in a pen or alleyway since the trailer is part of the facility once it's on site.

The regulations mentioned in these situations, 9 CFR Parts 300–599, may be accessed through FSIS' Web site at www.fsis.usda.gov/regulations_&_policies/federal_register_publications_&_related_documents/index.asp. FSIS Directive 6900.2, Revision 2, may be found at www.fsis.usda.gov/OPPDE/rdad/FSISDirectives/6900.2.pdf. In addition, the complete situation-based training packet and other FSIS humane handling training materials for inspection personnel are available on the Agency's Web site at www.fsis.usda.gov/FSIS_Employees/Regional_Training/index.asp.

FSIS has a number of publications on humane handling, including a DVD with presentations by Dr. Temple Grandin, a world-renowned expert in humane handling methods. Free resource publications are available online at www.fsis.usda.gov/Science/HACCP_Resources_Brochure/index.asp or by faxing your request to (202) 690-6519. If you have any questions on humane handling, you may contact the Small Plant Help Desk at 1-877-FSISHelp (1-877-374-7435) or by email at InfoSource@fsis.usda.gov.

Humane Handling Quiz

So, now that we've covered some various humane handling scenarios, let's test your knowledge of the issue and find out how much you know about humane handling.

1. Which of the following is true regarding the use of humane methods in the slaughter and handling of livestock?

- a) It prevents needless suffering of animals.
- b) It results in safer working conditions for packing house workers.
- c) It improves the quality of meat products.
- d) It decreases a significant financial loss to meat packers.
- e) All of the above

2. Which of the following is *not* true regarding regulations relating to electric prodding?

- a) Excessive electric prod use is prohibited.
- b) Repeated prodding is allowed if the animal refuses to rise.
- c) Prodding shall be used as little as possible in order to minimize excitement and injury.
- d) Electric prod use regulations also apply to livestock on a truck parked on official premises.

3. Leaving cattle without access to water overnight is a noncompliance unless the animals appear to be in good condition in the morning.

- a) True
- b) False

4. According to 9 CFR 313.50 (b), if a regulatory control action is taken for animal handling, where should the tag be placed?

- a) at the stunning area
- b) on the alleyway to the stunning area
- c) at the entrance to the pen
- d) on stunning equipment

5. Which of the following is *not* an example of egregious inhumane treatment?

- a) Driving animals off semi-trailers over a drop-off without providing adequate unloading facilities (animals are falling to the ground)
- b) Causing unnecessary pain and suffering to animals, including situations on trucks
- c) Pushing a nonambulatory disabled conscious animal across a surface
- d) Overcrowding animals in a pen such that many cannot access water troughs

6. Dragging an animal on a trailer is the same as dragging it in a pen or alleyway since the trailer is part of the facilities once it is on site.

- a) True
- b) False