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October 26, 2005

VIA OVERNIGHT MAIL AND ELECTRONIC TRANSMISSION

Dr. Lynn Dickey
Director
Regulations and Petitions Policy Staff
Food Safety and Inspection Service
Cotton Annex Building
300 12th Street, SW., Room 112
Washington, DC 20250-3700

Re: Docket Number 04-037N - Treatment of Live Poultry Before Slaughter

Dear Dr. Dickey,

Animal Welfare Advocacy (AWA), a 501(c) 4 corporation located in Mamaroneck, NY appreciates the opportunity to submit comments on the Food Safety and Inspection Service's (FSIS) notice encouraging poultry establishments to take a systematic approach to ensure that poultry is handled and slaughtered in a manner consistent with good commercial practices. The agency considers a systematic approach to be one in which establishments minimize the excitement, discomfort, and accidental injury of live poultry prior to slaughter.

FSIS acknowledges in the notice that there has been considerable congressional and public interest about the humane treatment of animals, and that the number of humane handling noncompliance incidents documented by FSIS in establishments has increased over the last three years. While we are encouraged by FSIS's stated position that the humane treatment of animals is a high priority and must be taken seriously, we believe that this position should be backed with active support for the inclusion of poultry in the federal Humane Methods of Slaughter Act.

Clearly, there is no ethical or scientific justification for excluding birds from coverage under humane slaughter laws. Avian research has demonstrated that there are no major differences in the anatomical, physiological, or behavioral responses to pain between mammals and birds.¹ MJ Gentile of the Agricultural Food Research Council Institute of

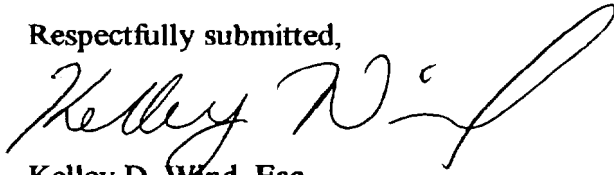
¹ Gentle, MJ., *Pain in Birds*. Animal Welfare 1992; 1:235-247.

Animal Physiology and Genetics Research of Edinburgh, Scotland, notes, "With regard to animal welfare and pain in birds, it is clearly essential that the ethical considerations normally afforded to mammals should also be afforded to birds."² Moreover, while the Humane Methods of Slaughter Act (HMSA) does not specifically include birds, the law does not specifically exclude them either. The HMSA refers to "cattle, calves, horses, mules, sheep, swine, *and other livestock*" (emphasis added). In many legal and commercial situations, poultry are considered a type of livestock.

Despite the fact that there is no specific federal humane handling and slaughter statute for poultry, FSIS can do more internally to ensure that the Agency regulations that do exist are followed. Under the Poultry Products Inspection Act (PPIA) (21 U.S.C. 453(g)(5) and inspection regulations, poultry products may be considered adulterated and condemned if they are produced from birds that have not been treated humanely because those birds are more likely to be bruised or to die from a cause other than slaughter.

The likelihood of inhumanely treated, and therefore adulterated birds, would certainly be reduced if FSIS issued the following notices to its inspection staff. First, a notice instructing inspectors to notify their supervisors in the event that they witness or learn of birds being subjected to acts of physical abuse or cruelty. Supervisory staff should then notify top-level management at the plant and instruct them that such behavior is not acceptable and is in violation of agency regulations. And second, a notice instructing inspection staff to slow slaughter line speeds in the event that this may be a cause of improper handling. These recommendations promote a policy consistent with "good commercial practices" and humanely treated animals.

Respectfully submitted,



Kelley D. Wind, Esq.
Research Associate

² Ibid, p. 243.