

20

04-037N
04-037N-20
Gene Bauston

October 17, 2005

Docket Clerk
U.S. Department of Agriculture, Food Safety and Inspection Service
300 12th Street, SW
Room 102 Cotton Annex
Washington, DC 20250

RECEIVED
FSIS DOCKET ROOM
05 OCT 30 PM 8:20

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

I wish to submit comments on the notice titled “Treatment of Live Poultry Before Slaughter” published in the Federal Register on September 28, 2005 (Vol. 70, pp. 56624-56626). I am writing on behalf of Farm Sanctuary, the nation’s largest non-profit organization dedicated to the rescue and protection of farmed animals.

The stated purpose of the notice is to remind poultry slaughter plants that, under poultry inspection regulations, live poultry should be treated humanely and that 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 notice observes that the USDA-FSIS has received in excess of 20,000 letters expressing concerns regarding the humane treatment of livestock and nearly 13,000 electronic messages supporting the inclusion of poultry in the federal Humane Methods of Slaughter Act. It is likely that many of those citizens and lawmakers who communicated their concerns were aware of recently publicized incidents in which birds were subjected to wanton physical abuse and cruelty at slaughter facilities inspected by FSIS.

Documented instances of inhumane treatment of birds at slaughter include the following:

- A former employee at a Tyson Foods chicken slaughter plant in Grannis, Arkansas, provided an affidavit to county prosecutors describing daily torture of chickens at the plant over a five-year period. The acts of cruelty included deliberate scalding and suffocation of chickens, deliberate breaking of the legs of larger birds to fit the shackles, blowing up chickens with dry-ice “bombs,” running over chickens with forklifts, and dismembering chickens as a form of entertainment. (1)
- Animal advocates filed a complaint with local officials regarding animal cruelty witnessed and videotaped by an employee at a Perdue Farms slaughter plant in Showell, Maryland. Videotape shows piles of conscious chickens being shoved and thrown down a conveyor belt, and the birds’ legs being roughly forced into shackles. Birds are also shackled incorrectly, causing them to be inadequately stunned, and live birds are left on the line while workers take lunch breaks. (2)
- Animal advocates requested felony animal cruelty indictments against workers videotaped torturing chickens at a Pilgrim’s Pride plant in Moorefield, West

Virginia. On the tape plant workers were seen stomping, kicking and slamming chickens against walls. Pilgrim's Pride fired 11 employees after receiving documentation of hundreds of instances of cruelty to birds killed at the plant. (3)

We see little in the "Treatment of Live Poultry Before Slaughter" notice that will prevent occurrences similar to those described above. There are other actions, however, that FSIS can and should take to improve the treatment of birds at federally inspected slaughter facilities.

Issue Notice to FSIS Personnel

It is evident from the thousands of letters received by your agency on this subject that the public wants birds treated humanely at slaughter and expects the USDA to see that this happens. The incidents described above suggest that physical abuse of birds may be commonplace at some U.S. poultry slaughter plants. If this is the case, it is likely FSIS staff has witnessed, or has been made aware of, some of these incidents. Your staff has a moral obligation to the public, and to the animals being slaughtered, to intercede.

We ask that FSIS issue a notice to its inspection staff instructing them 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 inform them that such behavior is not acceptable. In addition, FSIS staff should notify state agriculture departments and state offices of the attorney general of any suspected instances of animal cruelty. All states have enacted statutes prohibiting animal cruelty, and although some states exempt customary agricultural practices, stomping, kicking and bashing live animals should not be considered customary.

Support Humane Slaughter Law for Poultry

Unlike mammals slaughtered for food, birds are routinely shackled and hoisted in an inverted position while still conscious. The U.S. Congress passed the Humane Methods of Slaughter Act, which does not specifically cover poultry, in the 1950s, before science had fully revealed the ability of birds to experience pain and other noxious stimuli. Today, we know that there are no major differences in the anatomical, physiological, or behavioral responses to pain between mammals and birds (4). MJ Gentile of the Agricultural Food Research Council Institute of 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" (5).

Avian researchers have demonstrated that pain receptors are present in the skin covering the leg (6) and in the ankle joint (7) of chickens that cause shackling to be a very painful procedure (6). Researchers also found that among chickens reared intensively for meat, 90 percent had a detectable abnormality in their gait, and 26 percent suffered an abnormality severe enough to compromise their welfare and cause the animals discomfort during handling (8).

Several aspects of the handling and slaughter process are capable of causing pain and distress to birds:

- Removal of conscious birds from their transport containers, either by manually pulling them out of the containers or dumping the live birds from the containers onto a moving conveyor (9).
- Compression of birds' hock bones into metal shackles, particularly when the shackles are too small to readily accommodate the size of the birds' legs (6, 9, 10).
- Conveying of conscious birds upside down on a shackle line, a physiologically abnormal posture for birds (9, 10, 11, 12, 13).
- Administration of electric shocks before stunning (pre-stun shocks) to birds whose wings make contact with the electrified waterbath before the immersion of their heads (9, 14).
- Cutting of conscious birds who miss being stunned adequately as a result of wing flapping at the entrance of the waterbath stunner (9).
- Recovery of consciousness during bleeding from inadequate stunning and/or inappropriate neck cutting (9).

Clearly, there is no ethical or scientific justification for excluding birds from coverage under humane slaughter laws. It is the position of FSIS that it does not have the authority to amend the federal poultry products inspection regulations to require humane standards of slaughter for poultry. However, while the Humane Methods of Slaughter Act 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.

If FSIS has determined that it cannot legally amend its regulations to address this situation, then the agency should immediately begin working with Congress to enact humane slaughter legislation for birds.

Prohibit Shackling of Conscious Birds

Even if FSIS lacks the authority to require humane handling and slaughter on the basis of animal welfare, the agency does possess the authority to act on the grounds of food safety and quality. Injuries such as hemorrhages, broken bones and dislocations that result in adulteration of poultry products can be reduced by FSIS prohibiting the shackling and inverting of birds while conscious.

Removing birds from transport containers, either manually or by tipping and dumping out the animals, may cause injuries including bruising and broken bones (15). Moreover, many chickens violently struggle and flap their wings when suspended from shackles (13, 16-20). In one study birds were observed striking their wings against solid objects such as metal posts or transport crates in the unloading area and then flapping their wings

vigorously and simultaneously “climbing their shackles” after they were hung onto a shackle (21). Research conducted on end-of-lay hens at slaughter found 29 percent had broken bones by the time they reached the waterbath stunner; removing birds from cages and shackling them on the slaughter line were identified as causes of the fractures (15).

Wing flapping in the shackling area can rupture blood vessels in the wings and contribute to the production of red wingtips in chickens and turkeys (21). One study found the incidence of red wingtips was nine times greater in chickens that flapped their wings than in a control group of birds (21). Struggling in shackled chickens can also cause scratching, bruising, broken bones and dislocations, which may result in the downgrading or condemnation of carcasses (13, 20). Researchers Gade et al, in assessing carcass damage resulting from electrical stunning, observed surface bruising of the legs and wing tips in 10 percent of birds and hemorrhages of the thighs in 30 percent of birds (22). The scientists noted that the damage was “a reflection of the struggling of live birds after shackling” (23).

Lower Slaughter Line Speeds

Meat and poultry slaughter plant workers involved in incidents of inhumane handling often explain that they were forced to mistreat animals due to the pressure of keeping up with the slaughter line. While rapidity of the work is never a justification for animal cruelty, it undoubtedly plays a role. For example, in the incident at the Pilgrim’s Pride plant in West Virginia, described above, workers told the county prosecutor that they were expected to hang 28 to 33 live birds per minute and it was faster to toss some injured birds aside than to kill them in the proper manner (3). This figure is consistent with the calculations performed by researchers Sparrey and Kettlewell who estimated that, with a line speed of 12,000 birds per hour, the time available to shackle each bird would be 2.1 seconds for 7 shacklers or 1.8 seconds for 6 shacklers (10).

A recent FSIS proposed rule related to maximum line speeds for turkey slaughter clarifies that the inspector has discretion to slow the line, “if the reasons are consistent with other poultry inspection regulations” (24). Preventing the bruising of birds, which may result in the carcasses being adulterated, is consistent with poultry inspection regulations. Therefore, we urge FSIS to instruct its inspection staff to slow line speeds as needed to prevent unconscionable animal suffering.

Thank you for considering our comments. We look forward to hearing that the USDA is taking further steps to ensure that the birds killed in our nation’s slaughter plants are treated with basic humane consideration.

Gene Bauston
President, Farm Sanctuary
P.O. Box 150
Watkins Glen, NY 14891

References

1. Web writer sorry for killing chickens. Miami Herald, Dec. 14, 2003.
2. Animal rights group pursues complaint against Perdue Farms. Associated Press, Oct. 28, 2004.
3. Charges won't be filed in case alleging chicken torture in slaughterhouse. Associated Press, Jan. 11, 2005.
4. Gentle MJ. Pain in birds. *Animal Welfare* 1992;1:235-247.
5. Ibid, p. 243.
6. Gentle MJ, Tilston VL. Nociceptors in the legs of poultry: implications for potential pain in pre-slaughter shackling. *Animal Welfare* 2000;9:227-236.
7. Gentle MJ. Ankle joint receptors in the domestic fowl. *Neuroscience* 1992;49:991-1000.
8. Kestin SC et al. Prevalence of leg weakness in broiler chickens and its relationship with genotype. *Veterinary Record* 1992;131:190-194.
9. Raj M, Tserveni-Gousi A. Stunning methods for poultry. *World's Poultry Science Journal* 2000;56:291-304.
10. Sparrey JM, Kettlewell PJ. Shackling of poultry: is it a welfare problem? *World's Poultry Science Journal* 1994;50:167-176.
11. Kannan G, Mench JA. Influence of different handling methods and crating periods on plasma corticosterone concentrations in broilers. *British Poultry Science* 1996;37:21-31.
12. Kannan G et al. Shackling of broilers: effects on stress responses and breast meat quality. *British Poultry Science* 1997;38:323-332.
13. Jones RB et al. Struggling responses of broiler chickens shackled in groups on a moving line. *Applied Animal Behaviour Science* 1998;58:341-352.
14. Raj M. Welfare during stunning and slaughter of poultry. *Poultry Science* 1998;77:1815-1819.
15. Gregory NG, Wilkins LJ. Broken bones in domestic fowl: handling and processing damage in end-of-lay battery hens. *British Poultry Science* 1989;30:555-562.
16. Gregory NG, Bell JC. Duration of wing flapping in chickens shackled before slaughter. *Veterinary Record* 1987;121:567-569.
17. Parker LH et al. Sex and shank diameter affect struggling behavior of shackled broilers (abstract). *Poultry Science* 1997;76(Suppl 1):88.
18. Jones RB, Satterlee DG. Restricted visual input reduces struggling in shackled broiler chickens. *Applied Animal Behaviour Science* 1997;52:109-117.
19. Jones RB et al. Adoption of immobility by shackled broiler chickens: effects of light intensity and diverse hooding devices. *Applied Animal Behaviour Science* 1998;55:327-335.
20. Satterlee DG et al. Struggling behavior in shackled male and female broiler chickens. *Poultry Science* 2000;79:652-655.
21. Gregory NG et al. Relationship between wing flapping at shackling and red wingtips in chicken carcasses. *Veterinary Record* 1989;124:62.

22. Gade PB et al. Animal welfare and Controlled Atmosphere Stunning (CAS) of poultry using mixtures of carbon dioxide and oxygen. *World's Poultry Science Journal* 2001;57:191-200.
23. *Ibid*, p. 194.
24. Allowing bar-type cut turkey operations to use J-type cut maximum line speeds. *Federal Register*, Sept. 9, 2005;70:53582-53586.