

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS NOTICE

16-08

3/10/08

HUMANE HANDLING ACTIVITIES AND DOCUMENTATION IN LIVESTOCK SLAUGHTER ESTABLISHMENTS

NOTE: This notice reissues the content of FSIS Notice 14-08 with additional information in the Documentation section that provides instructions regarding how to document HATS activities under ISP code 04C02. This notice cancels FSIS Notice 14-08.

PURPOSE

FSIS is reissuing the instructions in FSIS Notice 12-05, Documentation of Humane Handling Activities. This notice provides a new instruction for Public Health Veterinarians (PHVs) and other inspection program personnel to conduct humane handling activities randomly throughout their tour of duty. Also, PHVs are to encourage establishments to develop and implement a systematic approach for the humane handling of animals (See the following link:

<http://www.fsis.usda.gov/Frame/FrameRedirect.asp?main=http://www.fsis.usda.gov/OP/PDE/rdad/FRPubs/04-013N.htm>)

CONDUCTING AND FOR DOCUMENTING HUMANE HANDLING ACTIVITIES

PHVs and In-plant Inspection Program Personnel

PHVs and other inspection program personnel are to vary from day-to-day the time during their tour of duty that they perform their activities to verify that animals are treated humanely. While performing Inspection System Procedure (ISP) code 04C02 during each slaughter shift they are to make observations under the Humane-handling Activities Tracking System (HATS) under Category IV, Handling During each occurrence of Ante Mortem Inspection. In addition, they are to verify one or more other HATS categories through each slaughter shift and ensure that all categories are verified routinely. Inspection program personnel are to focus on complete and quality verifications of each category.

DISTRIBUTION: Electronic

NOTICE EXPIRES: 4/1/09

OPI: OPPD

To prioritize which HATS categories to verify, PHVs or other inspection program personnel are to consider the documentation of the previous activity, historical observations, and direction from the District Veterinary Medical Specialist (DVMS). In addition, inspection program personnel may decide to repeat some activities if a significant amount of time has elapsed from the time of ante mortem inspection and the slaughtering of the animals. Generally, inspection personnel should not pass for slaughter more animals than can be slaughtered in approximately four hours.

When Front-line Supervisors or DVMSs visit the establishment, they are to ensure that PHVs or other inspection program personnel are employing correct decision-making, correctly verifying HATS activities, correctly documenting their activities, and varying from day-to-day the times during their tour of duty that they verify that animals are handled and treated humanely.

Multi-IPPS Assignments

PHVs that conduct ante mortem and postmortem inspection disposition activities as part of a multi-IPPS assignment are to conduct one or more HATS procedures whenever they have cause to visit an establishment. Any non-compliance finding is to be addressed immediately. The PHVs should enter the results of compliant HATS procedures, using ISP code 04C02, while at the establishment, but they are to do so no later than the next time they log onto the Performance Based Inspection System (PBIS).

NONCOMPLIANCE

When inspection program personnel observe animals being injured or treated inhumanely, they are to take immediate enforcement action. As stated in FSIS Directive 6900.2, Revision 1, if animals are being treated inhumanely or injured, inspection program personnel are to take a regulatory control action (i.e., apply a retain/reject tag) as set out in 9 CFR 500.2 (a)(4), *Inhumane handling or slaughter of livestock*.

However, if the observed inhumane treatment is of an egregious nature, the regulations at 9 CFR 500.3(b) apply. The regulations state, "FSIS also may impose a suspension without providing the establishment prior notification because the establishment is handling or slaughtering animals inhumanely." Therefore, the IIC is to take an appropriate regulatory control action to prevent continued egregious inhumane handling and orally notify plant management of an immediate suspension action. Next, the IIC is to immediately notify the District Office (DO) and the DVMS for prompt documentation of the suspension action. The IIC is also to document the facts that serve as the basis of the suspension action on a memorandum of interview (MOI) (see Attachment 1) and promptly provide that information electronically to the DO and the DVMS for their use in documenting the Notice of Suspension. The DO and the DMVS will make an official assessment of the facts supporting the suspension, take any final action with respect to it, and notify the Executive Associate for Regulatory Operations designated for the District.

An egregious situation is any act that is cruel to animals or a condition that is ignored and leads to the harm of animals such as:

1. making cuts on or skinning conscious animals,
2. excessive beating or prodding of ambulatory or nonambulatory disabled animals,
3. dragging conscious animals,
4. driving animals off semi-trailers over a drop off without providing adequate unloading facilities (animals are falling to the ground),
5. running equipment over animals,
6. stunning of animals and then allowing them to regain consciousness,
7. multiple attempts, especially in the absence of immediate corrective measures, to stun an animal verses a single blow or shot,
8. dismembering live animals, such as removing feet from live animals,
9. leaving disabled livestock exposed to adverse climate conditions while awaiting disposition, or
10. otherwise causing intentional unnecessary pain and suffering to animals, including situations on trucks.

HATS CATEGORIES

The electronic animal disposition reporting system (eADRS) database provides valuable information concerning animal diseases and welfare in the U.S. HATS is one component of the eADRS. The HATS component provides FSIS with data on the time FSIS PHV or other inspection program personnel spend verifying, as set out in FSIS Directive 6900.2, Revision 1, that specific humane handling and slaughter requirements are met. So that FSIS will have accurate and complete data, the HATS component is designed to record the time inspection program personnel spend on humane handling related activities and to separate that time into nine specific categories (see attachment 2). To the maximum extent possible, multiple inspection program personnel are routinely to conduct HATS related activities.

Category I - Adequate Measures for Inclement Weather: Under this category, inspection program personnel record their verification of how the establishment adapts its facilities and handling practices to inclement weather to ensure the humane handling of animals. When the weather conditions warrant concern (e.g., extreme cold, heat, humidity, heavy rains, or high winds), inspection program personnel are to assess what

effect these conditions have on the establishment's humane handling of animals (9 CFR 313).

Specific examples of the effects inclement weather can have on humane handling are:

- animal could fall or injure themselves because of snow, ice, mud, etc. [9 CFR 313.1(b)]
- water that is frozen and, therefore, inaccessible. [9 CFR 313.2(e)]

Category II - Truck Unloading: Under this category, inspection program personnel record their verification of the establishment's humane handling procedures while unloading livestock.

Specific examples of verification procedures include observing that:

- the state of repair of vehicles, ramps, and driveways permit the unloading of animals without injury [9 CFR 313.1(a)]
- the proper positioning of vehicles and unloading ramps permits the unloading of animals without injury [9 CFR 313.1(b)]
- animals are unloaded and driven to pens with a minimum of excitement and prod use [9 CFR 313.2(a) and (b)]
- disabled animals are handled in strict accordance with 9 CFR 313.2 (d).

Category III - Water and Feed Availability: Under this category, inspection program personnel record their verification of the establishment's compliance with 9 CFR 313.2(e), which requires that water be available at all times, and that animals held longer than 24 hours have access to feed. The verification of feed availability may be more time consuming in large operations, or when animals are continually being moved and held.

Category IV - Handling During Ante mortem Inspection: Under this category, while inspection program personnel are conducting ante mortem inspection, they are to record the time spent verifying the establishment's facilities and procedures for humanely handling animals during ante mortem inspection.

Specific examples of verification procedures include:

- Examining livestock pens, floors, driveways, etc. to be sure they are maintained in good repair (9 CFR 313.1).
- determining that animals are being moved calmly and with a minimum of excitement during ante mortem inspection [9 CFR 313.2(a)]
- assessing the frequency of prod use during ante mortem inspection [9 CFR 313.2(b)]

Category V - Handling of Suspect and Disabled: Under this category, inspection program personnel record their verification of the measures that an establishment takes to ensure that “U.S. Suspect” and disabled livestock (9 CFR 313.2 (d)) are handled humanely. The weakened state of these animals renders them less resistant to even “normal” weather conditions, and therefore, covered pens are required for these animals (9 CFR 313.1(c)). In establishments that present higher numbers of disabled livestock, inspection program personnel would typically spend more time verifying the humane handling of these animals than they would in an establishment that presents few disabled livestock.

Category VI - Electric Prod/Alternative Object Use: Under this category, inspection program personnel record their verification of the establishment’s procedures for humanely and effectively moving livestock without excessive prodding or the use of sharp objects **after** ante mortem inspection has occurred (9 CFR 313.2). This procedure includes direct observation at multiple locations involving animal movement. For example, the movement of animals between pens, in alleyways, and in areas up to the knock box or stunning area.

NOTE: The reasons for excessive implement use may include poorly trained employees, animals balking due to distractions, or some other issue. It is expected that establishments train their employees adequately in the proper use of these implements, ensure that only objects designed for the intended purpose are being used, and maintain facilities in a manner that prevents excessive prodding.

Category VII - Observations for Slips and Falls: Under this category, inspection program personnel record time spent observing whether any animals are slipping and falling. The observance of animals slipping or falling necessitates inspection program personnel to verify the following:

- presence of flooring that provides adequate footing [9 CFR 313.1 (b)]
- the proper driving of animals, performed with a minimum of excitement and discomfort [9 CFR 313.2 (a)]
- that livestock are not forced to move faster than a normal walking speed

Category VIII - Stunning Effectiveness: Under this category, inspection program personnel record their verification of the establishment’s procedures to appropriately and effectively administer stunning methods that produce unconsciousness in the animal before the animal is shackled, hoisted, thrown, cast, or cut (9 CFR 313.2 (f)). In the case of cattle, calves, horses, mules, sheep, goats, swine and other livestock, animals are to be rendered insensible to pain by a single blow or gun shot or an electrical, chemical, or other means that is rapid and effective. Additionally, the stunning area is to be designed and constructed so to limit the free movements of animals to allow the stunning blow to have a high degree of accuracy. For those animals that are ritually slaughtered, stunning effectiveness will not be evaluated, unless stunning methods (9 CFR 313), as an accepted part of that religious slaughter protocol, are

inhumanely applied prior to the ritual slaughter cut. Additionally, ante mortem condemned animals are to be stunned appropriately (9 CFR 313).

Under this category, inspection program personnel are to record time spent in verifying the stunning method at the moment of application. Failure to properly stun animals is a serious violation of the Humane Methods of Slaughter Act (HMSA) and represents a deficiency in training, equipment design, maintenance, or application. An establishment's humane handling procedures should address all of these elements to ensure that the intent of the HMSA is met. The following regulations address the various stunning methods:

- 9 CFR 313.5: chemical; carbon dioxide
- 9 CFR 313.15: mechanical; captive bolt
- 9 CFR 313.16: mechanical; gunshot
- 9 CFR 313.30: electrical; stunning or slaughtering with electric current

The verification instructions for these regulations are set out in FSIS Directive 6900.2, Revision 1. Some specific examples of verification activities include:

- observing the stunning operations, to verify that the establishment consistently renders animals unconscious with a single application of the stunning methodology;
- checking that stunning equipment is in good repair;
- reviewing the records for the carbon dioxide gas concentrations;
- observing that animals are properly restrained so that stunning is accurate.

Category IX - Check for Conscious Animals on the Rail: Under this category, inspection program personnel (usually a Public Health Veterinarian) record their verification that the establishment ensures that animals do not regain consciousness throughout shackling, sticking, and bleeding (Section 1902 of the HMSA, as well as the regulations mentioned in Category VIII). This category focuses specifically on the time after stunning and throughout the process of shackling, hoisting, sticking and bleeding of the animal.

The intent of this category is for inspection program personnel to verify that animals are not being processed until rendered insensible and that there is no return to consciousness during this time. In addition, inspection program personnel are to verify that the establishment takes immediate corrective action if an establishment employee observes an animal showing signs of regaining consciousness.

In the case of ritual slaughter, inspection program personnel are to verify that after the ritual slaughter cut and any additional cut to facilitate bleeding (which is typically performed by the religious authority), no dressing procedure is performed until the animal is insensible to pain (unconscious). FSIS personnel are to evaluate the animal to determine whether the animal is conscious after it has received the ritual slaughter cut and has been released from the applicable ritual method of handling. At this time, the animal is to be insensible to pain (unconscious), and no additional processing steps may take place until the animal is insensible.

DOCUMENTATION

When inspection program personnel perform their HATS activities for a shift and have recorded the time in HATS, and do not find noncompliances, they are to enter in PBIS the ISP code 04C02 (see attachment 3) as an unscheduled performed activity using an "A."

When inspection program personnel perform their HATS activities for a shift and find a noncompliance but that is not considered to be egregious, as set out in FSIS Directive 6900.2, Revision 1, they are to document the humane handling noncompliance on an NR under the 04C02 procedure. Inspection program personnel are to mark "protocol" as the trend indicator. Inspection program personnel are to indicate at the top of Block 10 of the NR which category of activity under HATS was being performed when they found the noncompliance. If the noncompliance is covered by a second HATS category as well, then inspection program personnel should note both categories on the NR. If two categories are covered, inspection program personnel should list the category where the noncompliance occurred first. For example, if animals are found to be without access to water during ante mortem inspection, in Block 10 of the NR inspection program personnel reference HATS III – **Water and Feed Availability** and then HATS Category IV – **Handling During Ante mortem** at the top of Block 10 and then continue with a thorough description of the noncompliance.

For situations where there are egregious humane handling noncompliances, as addressed under the Noncompliance section of this notice, the IIC is to:

1. immediately take any necessary regulatory control action to prevent continued egregious inhumane handling;
2. orally notify plant management of an immediate suspension action as provided under 9 CFR 500.3(b)
3. immediately notify the District Office (DO) and DVMS for prompt documentation of the suspension action, and
4. document the facts that serve as the basis of the suspension action on a MOI and promptly forward that information to the DO and DVMS.

TREND DETERMINATIONS

As set out in FSIS Directive 6900.2, Revision 1, Part VI C., inspection program personnel will need to decide whether NRs are to be linked to document that a noncompliance trend exists. The use of the HATS categories should prove useful in identifying similar NRs. However, as stated in FSIS Directive 6900.2, Revision 1, inspection program personnel should only link NRs when the noncompliances are from the same or related cause. Therefore, NRs listing the same HATS category **do not automatically** link together. Also, it is possible to have noncompliance in different HATS categories with the same or related cause (e.g., lack of employee training). Inspection program personnel, using the noncompliance description and the

establishment's corrective actions, are to determine whether the noncompliances arise from the same cause. Support that there is a trend of inhumane handling is needed for noncompliances that do not immediately affect an animal's safety or that do not involve an egregious inhumane act.

ANALYSIS OF THE DATA

The FSIS Office of Food Defense and Emergency Response will analyze the data from inhumane handling NRs. The analysis will include the category of activity under HATS that was indicated by the inspector in Block 10 of the NR. The analysis will also report on inhumane handling NRs that are linked by the inspection program personnel to indicate a noncompliance trend. OFDER will provide the analysis to OFO for appropriate action.

Refer questions to the Policy Development Division at 1-800-233-3935.



Assistant Administrator
Office of Policy and Program Development

**“SAMPLE” - MEMORANDUM OF INTERVIEW REGARDING A SUSPENSION
TAKEN FOR AN EGREGIOUS SITUATION OF INHUMANE HANDLING OR
SLAUGHTER**

Memorandum of Interview

February 15, 2008

Today, February 15, 2008, at approximately 3:15pm, I verbally notified Mr. Bob Jones, Plant Manager, of my decision to suspend inspection at Establishment XXX. I advised Mr. Jenkins that I was also contacting the District Office about the suspension action and that the District Office would be following up with written suspension letter to the plant. I based my decision to suspend inspection at the plant on the following:

At approximately 2:35pm today, after examining hogs in suspect pen #2, I observed a hog that had already been stunned lying on the floor next to the south end of the shackle table. Upon closer observation, I saw that the hog was breathing rhythmically and had an intact palpebral reflex. The hog was also attempting to sit up but was unable to do so. Two plant employees, Ms. Sally Johnson, and Mr. Tim Pratt were standing at the suspect pen laughing as the hog was repeatedly attempting to sit up but unable to do. There was also one hog in the squeeze retainer that was about to be stunned and one hog that had been recently stunned hanging on the bleed chain in preparation for further processing.

I instructed plant employees to immediately re-stun the hog that was repeatedly attempting to sit up and I observed the proper re-stunning of this animal. I also instructed plant employees to properly stun the one hog that was in the squeeze retainer and I observed the proper stunning of this animal. I then advised plant employees that further processing of these two hogs and the one hog hanging on the bleed chain could continue, but that I was implementing a regulatory control action to prevent the slaughter of animals until the inhumane stunning issues could be addressed. I then tagged the gate that allowed hogs to enter to the squeeze retainer thereby stopping the slaughter process. I then left the stunning area and located the Plant Foreman, Mr. Ronald Tucker to alert him of this situation. I advised Mr. Tucker that the regulatory control action to stop further stunning would remain in place. I also advised him that due to seriousness of this matter, an immediate suspension was being taken and that I was alerting the District Office of the suspension.

/s/ Inspector-in-Charge, Jim James

NOTE: This sample MOI is intended to convey the minimum information to be included to support an immediate suspension for inhumane handling or slaughter. It is recognized that on a “case by case” basis and through discussions held with the District Office/DVMS, that a MOI may contain more detail to describe the facts and the basis for taking the suspension action.

HATS TIME DOCUMENTATION

PHVs and non-PHVs enter the hours devoted to verifying humane handling activities for each of the HATS categories. The data must be entered in one-quarter hour increments, that is, .25, .5, .75, 1.0, 1.25, 1.5, etc. For any given category, the maximum time that can be entered is 10 hours per person, per shift, per day. The maximum would only be reached at large establishments.

For very small establishments that slaughter only a few animals per day there are special procedures. Because the minimum amount of time that can be recorded for any given activity is .25 hours, and assuming, for example, that humane handling activities require only a total of .25 hours per day at a very small plant, inspection personnel should record the .25 hours in a single category and then vary the category each day. In this manner, all humane handling activities will be properly reflected over the course of several days.

NOTE: When writing an NR for a noncompliance in a HATS category that was not the selected category for observations, the HATS time should be recorded for both the observations in the category that was being performed and for the category in which the noncompliance occurred. Example: While observing animals during ante mortem inspection, you identified that there was no accessible water in a livestock pen. You would document the time in the HATS system for the humane handling time during ante mortem inspection (Category IV) as well as the time it took to take care of the noncompliance for “no water” under Category III; you should have a minimum of .25 hours in each category.

Attachment 3

Procedure Code	Example Products	9 CFR References	FSIS Issuance References	Inspection Personnel Responsibilities
<p>04C02 Humane Handling and Slaughter (Livestock)</p>	<p>The establishment meets the criteria set forth in the regulations to ensure the humane handling and slaughter of livestock. The establishment takes action when either the establishment or FSIS determines that the establishment has not met the regulatory requirements.</p>	<p>Parts 313, 500.1, 500.2, 500.3</p>	<p>Directive 6900.1, Revision 1, “Humane Handling of Disabled Livestock”</p> <p>Directive 6900.2, Revision 1, “Humane Handling and Slaughter of Livestock”</p> <p>FR Notice (September 9, 2004) systematic approach</p>	<p>Verify compliance with the following categories:</p> <ul style="list-style-type: none"> • adequate measures for inclement weather • truck unloading • water and feed availability • handling during ante-mortem inspection • handling of suspect and disabled animals • electric prod/alternative object use • observations for slips and falls • stunning effectiveness • check for conscious animals on the rail