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HUMANE SLAUGHTER UPDATE

Federal and State Oversight of the Welfare
of Farm Animals at Slaughter

ANIMAL WELFARE INSTITUTE

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IN THIS REPORT

- 1 Summary
- 2 Introduction to Farm Animal Slaughter
- 4 Overview of the Humane Slaughter Law and Its Enforcement
- 7 Federal Enforcement
- 12 State Enforcement
- 17 Comparing Federal and State Enforcement
- 19 Need for Updated Regulations
- 21 Recommendations
- 22 Appendix

ABOUT THE RESEARCH

This report presents the findings of a survey of federal and state enforcement of the Humane Methods of Slaughter Act conducted by the Animal Welfare Institute (AWI) covering the three-year period January 1, 2016, through December 31, 2018.

The research was undertaken as an update to three previous reviews of humane slaughter enforcement

published by AWI: *Crimes Without Consequences: The Enforcement of Humane Slaughter Laws in the United States*, May 2008; *Humane Slaughter Update: Comparing State and Federal Enforcement of Humane Slaughter Laws*, July 2010; and *Humane Slaughter Update: Federal and State Oversight of the Welfare of Farm Animals at Slaughter*, April 2017. This report does not cover the slaughter of poultry, which is addressed in other AWI publications: *The Welfare of Birds at Slaughter in the United States: The Need for Government Regulation*, April 2016 and *The Welfare of Birds at Slaughter – 2017 Update*, November 2017.

As with the previous research, the aim of the current study is to analyze the level of humane slaughter enforcement by federal and state departments of agriculture. The data used to analyze humane slaughter enforcement was obtained from numerous public record requests submitted to the US Department of Agriculture (USDA) and state departments of agriculture and from records posted on the USDA website.

ABOUT THE ANIMAL WELFARE INSTITUTE

Since its founding in 1951, AWI has been alleviating suffering inflicted on animals by people. AWI works to improve conditions for the billions of animals raised and slaughtered each year for food in the United States. Major goals of the organization's Farm Animal program include eliminating factory farms, supporting higher-welfare farms, and eliminating inhumane transport and slaughter methods for animals raised for food.

This report was prepared by Dena Jones of AWI, who wishes to thank Erin Sutherland and Allie Granger for their review and recommendations.

April 2020

Summary

In early 2008, a slaughterhouse investigation revealed multiple incidents of egregious cruelty to cattle at the Westland-Hallmark Meat Packing Co. in Chino, California, resulting in widespread public outrage and the largest beef recall in US history. Congress held multiple oversight hearings in the aftermath, and the USDA took several actions to step up its enforcement of the humane slaughter law.

AWI has conducted several surveys of federal and state enforcement of humane slaughter laws. A 2010 report by AWI found that both federal and state humane slaughter enforcement increased dramatically following the Westland-Hallmark investigation. Subsequent reports have shown that this increased level of enforcement continued into the next decade. The research described in this report looked at enforcement for the three-year period 2016–2018. Major findings include the following:

- ↘ **Federal humane slaughter enforcement remains relatively stable, while state enforcement continues to rise, particularly in terms of the number of plant suspensions, and threatened suspensions, for egregious violations of the humane slaughter law.** In addition, the number of citations for less serious offenses continues to increase under state enforcement.
- ↘ **Although state enforcement is up overall, the level of enforcement varies dramatically by state.** For example, nearly half of the states operating meat inspection programs have issued no plant suspensions for humane slaughter violations since at least 2002, when AWI began monitoring state enforcement. Moreover, one state—Louisiana—provided no evidence that it has issued any noncompliance records for humane slaughter violations since at least 2002.
- ↘ **Repeat federal and state violators present a significant enforcement problem. However, in this review, AWI observed fewer examples of repeat violators than in past surveys.** Although the USDA has declined to pursue criminal prosecution

for humane slaughter violations, it is taking stronger administrative actions, including filing for permanent withdrawal of inspection and entering into consent orders with some repeat violators.

- ↘ **Federal and state inspection personnel continue to demonstrate unfamiliarity with humane slaughter enforcement by their failure to take appropriate enforcement actions.** In particular, state personnel continue to be less likely than federal personnel to suspend a plant for egregious humane slaughter violations.
- ↘ **While humane slaughter enforcement is up at both the federal and state levels, it remains low in comparison with other aspects of food safety enforcement.** Resources devoted to humane handling at the federal level continue to constitute less than 3 percent of total funding for food safety inspection.

Note: While states respond in a relatively expeditious manner to public records requests, the USDA takes a long time to release records, which seriously limits the usefulness of the information contained in the records. Consequently, in 2018, AWI and Farm Sanctuary sued the USDA for its failure to comply with a provision in the Freedom of Information Act that requires proactive disclosure of records subject to repeated requests. Because of this failure, AWI must routinely submit FOIA requests to the USDA and wait months, if not years, for the agency to respond. This delay negatively affects AWI's advocacy efforts, including the drafting of this report, which is less timely than it could have been had the USDA released the records proactively.

Introduction to Farm Animal Slaughter in the United States

In the United States, approximately 9.6 billion land animals were killed for food in 2018. More than 9.4 billion of these animals were birds: chickens, turkeys, and ducks. The remainder—approximately 160 million—were what is commonly referred to as “livestock” or “red meat” animals, including cattle, pigs, and sheep (see Figure 1).

Farm animals are generally slaughtered at three types of establishments within the United States—plants that are federally inspected for interstate commerce, plants that are state inspected for intrastate commerce, and plants deemed “custom exempt” for personal, noncommercial use. A large majority of the animals killed for food in the United States each year are slaughtered at federally inspected plants.

As of January 1, 2019, there were 837 plants slaughtering farm animals under federal inspection (Figure 2). Of these, 663 plants slaughtered at least one head of cattle during 2018, with the 13 largest plants slaughtering 57 percent of the total cattle killed. Pigs were slaughtered at 630 plants, with the 13 largest plants accounting for 57 percent of the total. For calves, 5 of 179 plants accounted for 76 percent of the total, and 3 of the 536 plants that slaughtered sheep or lambs in 2018 were responsible for 50 percent of the total killed. Federal slaughter plants in the states of Iowa, Kansas, Nebraska, and Texas accounted for 49 percent of the total US commercial red meat production in 2018.

Currently, 27 states operate their own meat inspection programs (see Figure 2) in cooperation with the USDA, which provides up to 50 percent of the funding. These states inspect intrastate and custom slaughter plants within their state, with enforcement standards at least equal to those imposed under federal meat inspection laws, including the humane slaughter law. Producers in states that operate their own inspection programs may apply to be inspected under either federal or state inspection; however, products produced in state-inspected plants may only be sold within the state. The

Figure 1. Commercial Farm Animal Slaughter in the US (2018)

Species of Animal	Number Slaughtered
Cattle	33,099,800
Calves	603,600
Hogs	124,512,300
Sheep	2,357,200
TOTAL	160,572,900

Source: USDA-National Agricultural Statistics Service (NASS), *Livestock Slaughter: 2018 Summary*, April 2019.

Figure 2. Meat Inspection in the US (2018)

Livestock slaughter plants under federal inspection	837
Livestock slaughter plants under other inspection	1,929

States Operating Meat Inspection Programs
Alabama, Arizona, Delaware, Georgia,* Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Minnesota, Mississippi, Missouri, Montana, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota,* Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming

Source: USDA-Food Safety and Inspection Service (FSIS), *States Operating Their Own MPI Programs* (last modified Mar. 23, 2015).
*State conducts meat inspection only, no poultry inspection program.

Federal-State Cooperative Inspection Agreements
Alabama, Georgia, Illinois, Mississippi, North Carolina, Oklahoma, Texas, Utah, Virginia

USDA certifies state inspection programs annually based on the state’s self-assessment, as well as USDA review.

The designated status of an individual slaughter plant as being either federally or state inspected does not necessarily indicate what agency is responsible for conducting oversight, including matters related to humane slaughter. Some plants under federal oversight are inspected by employees of state agricultural agencies. Nine states (Figure 2) have assumed the authority to assist the USDA with administration and enforcement of federal food inspection laws. This authority is granted under the Talmadge-Aiken Act of 1962, and the slaughter plants inspected under this authority are referred to as “federal-state cooperative inspection plants” (formerly “Talmadge-Aiken plants”).

The Federal Meat Inspection Act and its regulations, including those related to humane handling and slaughter, apply to all federally inspected and state-inspected slaughter plants. On-farm slaughter by the farm owner or operator or by a commercial, mobile slaughtering operation is exempt, unless specifically

covered by state law. Custom slaughter establishments are also exempt (see below for a discussion of humane slaughter enforcement at custom slaughter plants).

The number of slaughter plants in the United States, both federally and state inspected, has declined continuously over the past 40 years (Figure 3). While the number of plants under federal inspection rose and then fell, the number of state plants declined steadily throughout the period.

At the same time that the number of federal plants has fallen, the number of larger plants has risen—a consequence of the consolidation of the meat industry. This has impacted the beef, pork, and lamb industries, as well as the poultry industry. The shift toward large federal plants likely benefits animal welfare, as larger plants generally possess the resources needed to slaughter animals with a minimum of pain and distress. However, a smaller number of plants means that animals are being transported longer distances to slaughter.

Figure 3. US Livestock Slaughter Plants

Year	Plants under Federal Inspection	Plants under State/ Other Inspection	Total Plants
1970	726	7,017	7,743
1980	1,627	4,320	5,947
1990	1,268	3,281	4,549
2000	909	2,357	3,266
2010	834	1,940	2,774

Source: USDA-NASS, *Livestock Slaughter Annual Summary*, 1970 through 2010.

Overview of the Humane Slaughter Law and its Enforcement

The USDA's Food Safety and Inspection Service (FSIS) is the federal agency charged with inspecting slaughtering operations to ensure that farm animals are killed according to the Humane Methods of Slaughter Act (HMSA). The law and its regulations currently apply to the slaughter of cattle, sheep, goats, pigs, horses, mules, and other equines for human consumption. The USDA has chosen not to apply the law to birds or rabbits. The law also does not apply to the slaughter of "exotic" animals, such as reindeer, elk, deer, antelope, bison, and water buffalo. However, producers may choose to have their slaughtering and processing operations for these species inspected by federal or state inspectors under a voluntary program.

The HMSA requires that animals be made insensible to pain by "a single blow or gunshot or an electrical, chemical or other means that is rapid and effective" prior to being shackled, hoisted, or cut. Current HMSA regulations detail requirements for the stunning of animals by gunshot, captive bolt device, electrical current, and carbon dioxide gas. The law also provides for the humane handling of animals on the premises of a slaughtering establishment up to the point of slaughter. (Figure 4 illustrates key requirements of the HMSA and its regulations.)

The law allows for the shackling, hoisting, and cutting of conscious animals when performed in accordance with the ritual requirements of religious faiths. However, this exclusion does not exempt ritual slaughter from complying with the humane handling requirements included in the HMSA regulations (illustrated by Steps 1 through 5 of Figure 4). Currently, the USDA interprets the ritual slaughter exemption as allowing religious authorities complete autonomy in determining the humaneness of actions taken to prepare animals for ritual slaughter (such as cleaning, positioning, and restraining the animal), as well as the humaneness of the slaughter process itself.

Federal and state departments of agriculture may take enforcement actions against an individual slaughter plant because of its inhumane handling and/or slaughter of animals covered by the HMSA. These enforcement actions are spelled out in the FSIS Rules of Practice (9 C.F.R. Part 500), and are further explained in the FSIS Humane Handling and Slaughter of Livestock Directive (6900.2).

Enforcement actions available to agriculture agencies include (1) regulatory control actions, such as slowing or stopping the slaughter line and the application of "reject tags" (which prevent use of specific equipment or areas of a plant until the deficiency is corrected), (2) issuance of noncompliance records (NRs) for regulatory violations, (3) issuance of notices of intended enforcement (NOIEs) or notices of suspension (NOS) for egregious regulatory violations or repeated non-egregious regulatory violations, and (4) permanent suspension of inspection or withdrawal of inspection for repeated egregious violations. In addition, inspection personnel may issue memorandums of interview (MOIs) to document discussions regarding nonregulatory concerns. (MOIs are also issued to offer supplemental details of an egregious humane handling incident that resulted in an administrative enforcement action, such as a suspension or notice of intended enforcement.)

FSIS Directive 6900.2, Humane Handling and Slaughter of Livestock, defines "egregious" inhumane treatment as any act or condition that results in severe harm to animals, and lists the following examples:

- Making cuts on or skinning conscious animals
- Excessive beating or prodding of ambulatory or nonambulatory disabled animals or dragging of conscious animals
- Driving animals off semi-trailers over a drop-off without providing adequate unloading facilities
- 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, for example, cutting off ears or removing feet
- ✎ Leaving disabled livestock exposed to adverse climate conditions while awaiting disposition
- ✎ Otherwise causing unnecessary pain and suffering to animals, including situations on trucks

The Special Case of Custom Slaughter

Slaughter plants may kill animals under more than one type of inspection. Specifically, slaughter plants may perform both federal and custom slaughter, or both state and custom slaughter. AWI has reviewed records that describe incidents at plants that at first glance appear to indicate the inspector is underpenalizing the plant, but instead reflect the nuances between custom and federal inspection.

Because custom slaughter offers a lower level of protection to animals, it is possible for humane slaughter violations at one slaughter plant to be handled differently, depending on whether the animals involved had been presented for federal/state or for custom slaughter.

For example, Faulkner Meats (M44779), a custom-exempt facility in Taylorsville, Kentucky, is also under federal inspection. USDA personnel are present on a routine basis to provide verification of regulatory compliance. On May 22, 2018, USDA inspection personnel noted that two pigs were in an alleyway without access to water. The inspector issued an MOI instead of an NR, observing that, although the HMSA applies at custom-exempt facilities, “The animals in question had not been declared for federal inspection.” The inspector also noted that multiple MOIs had been issued for the same problem in the recent past.

In another incident at the same plant on October 23, 2018, federal inspection personnel were verifying conditions in a barn holding pen when they found a goat in a moribund state. The USDA veterinarian condemned the goat and ordered the plant to euthanize the animal. Plant personnel killed the goat by cutting his throat. The inspector issued an MOI instead of initiating a more serious plant suspension

or threatened suspension (NOIE), which is the proper response for a similar incident at a federal plant. The inspector offered this explanation: “The cutting of the throat is not considered an acceptable method of euthanasia in a federally regulated facility. The owner of the establishment considers all animals held in the barn to be custom exempt, thus the basis for this MOI.”

In both of the instances detailed above, the inspector issued MOIs (typically used for nonregulatory violations) even though the incidents would have been considered regulatory violations had the animals been presented for federal inspection. According to this reasoning, while the HMSA can be the basis for citing violations of custom-exempt animals during a custom-exempt inspection, it will not be used to cite violations involving these same animals observed during a federal inspection of the premises.

AWI requested clarification of the USDA policy for addressing humane handling violations for animals slaughtered under custom-exempt inspection. The department responded: “If *during a custom exempt review* FSIS personnel observe slaughter and if there are concerns about humane handling, FSIS inspection personnel are instructed to document their findings on FSIS Form 5930-1, Exempt Establishment Review Report, and notify their supervisor. Egregious or repeated concerns are to be reported to the District Veterinary Medical Specialist through supervisory channels [emphasis added].” This response appears to apply to violations noted during a formal custom-exempt review only, which typically takes place only one or twice each year.

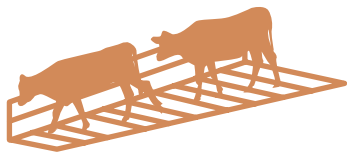
The USDA appears to be behaving in an inconsistent manner when it claims that the HMSA applies to custom-exempt facilities, but then does not cite violations occurring at federally inspected plants because the animals have been identified as being for custom-exempt slaughter. Inspector authority to cite HMSA violations involving animals identified as “custom exempt” is unclear to AWI, and also may be unclear to the inspectors themselves.

Figure 4. Humane Handling and Slaughter Requirements



1. Arrival at slaughter plant

Humane regulations apply from the time a truck enters the property of a slaughter establishment. Any animal unable to walk off the truck must be moved on suitable equipment or stunned. Dragging of conscious animals is prohibited.



2. Unloading from Truck

Driving of animals off trucks and down ramps must be done with a minimum of excitement and discomfort to the animals. Animals are not to be forced to move faster than a normal walking speed. Ramps should provide good footing so animals do not slip or fall.



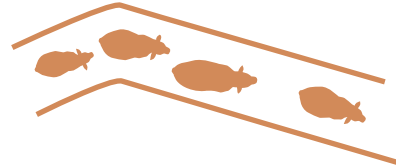
3. Handling of Disabled Animals

Disabled animals must be separated from ambulatory animals and placed in a covered pen sufficient to protect them from any adverse climatic conditions. Nonambulatory cattle (including calves) must be euthanized.



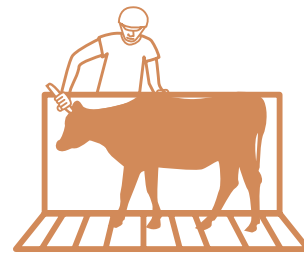
4. Condition of holding pens

Animals must have access to water and, if held over 24 hours, access to feed. Sufficient room must be provided for animals held overnight to lie down. Pens must be kept in good repair and be free from sharp corners that might cause injury or pain to the animals.



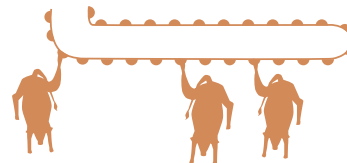
5. Moving to stunning area

Electric prods must be used as little as possible. Pipes, sharp or pointed objects, and other items that would cause injury or pain to the animal are not to be used. Driveways must have slip resistant floors and should be arranged so that sharp corners are minimized.



6. Stunning

Regardless of the method used—gas, electrical, captive bolt, or gunshot—stunning must be applied so that the animal is rendered unconscious on the first attempt and with a minimum of excitement and discomfort.



7. Slaughter

Animals must be unconscious before they are shackled, hoisted, or cut. The animal is to remain in this condition throughout the shackling, sticking, and bleeding process.

Any animal showing signs of consciousness must be immediately restunned.

Federal Enforcement

Level of Federal Humane Slaughter Enforcement

The USDA reports the number of procedures conducted at federal slaughter plants to verify compliance with the HMSA and its regulations. AWI has monitored these verification procedures since 2007. The USDA also reports the amount of time spent by federal inspectors on humane slaughter enforcement. This is referred to as the Humane Activities Tracking System (HATS), and the data is reported in hours. Additionally, the USDA reports the number of full-time equivalent (FTE) inspectors represented by the total HATS hours for all FSIS district offices combined.

The total FSIS verification procedures and humane handling FTEs, for fiscal years 2010 through 2018, are presented in Figure 5. As shown, the effort expended on humane slaughter at the federal level generally increased and then decreased, with a peak in 2013.

Figure 5. Time Spent on Federal Humane Slaughter Enforcement

Fiscal Year	No. of Full-Time Inspectors	No. of Verification Procedures
2010	142	126,063
2011	153	128,064
2012	158	171,953
2013	177	183,781
2014	169	179,538
2015	170	174,570
2016	155	176,338
2017	160	178,692
2018	160	176,046

Sources: (1) USDA-FSIS, Humane Handling Quarterly Reports for the 12-month Periods Ending on Sept. 30 in ++2010, 2011, 2012, and 2013; (2) FSIS response to FOIA #2016-00061, submitted by AWI, Dec. 8, 2015; (3) FSIS response to FOIA #2019-00141, submitted by AWI, Jan. 15, 2019.

The average number of MOIs and NRs per year for the three-year period 2016–2018 was 816, while the average number of suspensions and NOIEs was 112 (Figure 6). Figure 7 compares the number of MOIs, NRs, suspensions, and NOIEs for the years 2007 and 2018. While NRs rose modestly in 2018 compared to the earlier year, suspensions and NOIEs increased tenfold.

Comparing Federal Enforcement over Time

Federal suspensions increased dramatically in 2008 (Figure 8) as a result of increased enforcement by the USDA in response to an egregious incident of inhumane handling captured on video at the Westland-Hallmark plant in Chino, California, which resulted in the largest beef recall in US history. As illustrated in Figure 8, the number of suspensions (including NOIEs, or threatened suspensions) gradually declined from 2009 through 2012, and then increased again from 2013 through 2015. Overall, the number of suspensions declined slightly during the period 2016–2018.

Figure 6. Federal Enforcement Actions (2016-2018)

Memorandums of Interview/ Noncompliance Records	2,448
Notices of Intended Enforcement/ Notices of Suspension	336

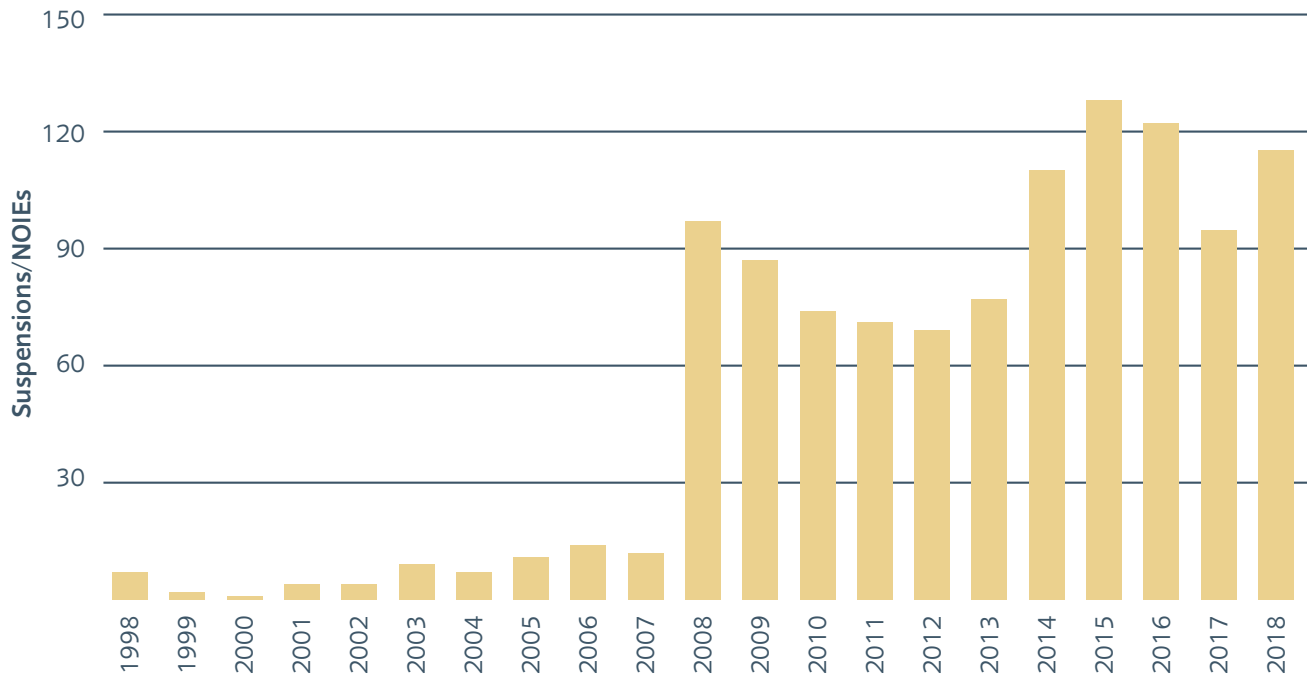
Figure 7. Federal Enforcement Actions (comparing 2018 with 2007)

Enforcement Action	2007 ¹	2018 ²
Memorandums of Interview*	0	70
Noncompliance Records	700	815
Notices of Intended Enforcement	0	24
Notices of Suspension	12	91

Sources: (1) Congressional Research Service, *USDA Meat Inspection and the Humane Methods of Slaughter Act*, 2008; (2) FSIS response to FOIA #2019-00141, submitted by AWI, Jan. 15, 2019.

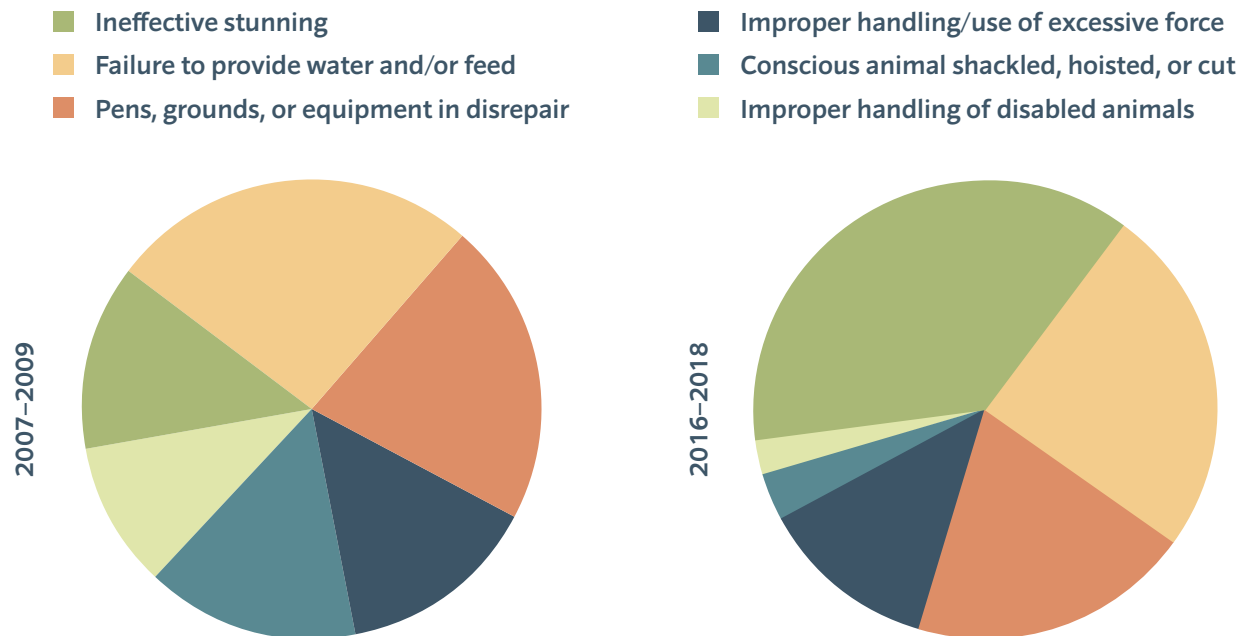
*Does not include MOIs associated with administrative enforcement actions (NOIEs, NOSs).

Figure 8. Federal Enforcement Actions for Egregious Violations



Source: USDA-FSIS Quarterly Enforcement Reports.

Figure 9. Types of Violations at Federal Plants (comparing 2007–2009 with 2016–2018)



Violations Cited at Federally Inspected Plants

In its previous surveys of humane slaughter, AWI reported on the types of humane violations cited at both federally inspected and state-inspected plants. AWI again analyzed types of noncompliances cited for the years 2016 through 2018, and compared those results with the previous results for 2007–2009. As illustrated in Figure 9, the proportion of citations for failure to provide water and/or feed; failure to maintain pens, grounds, or equipment; and improper handling has remained relatively stable. However, the percentage of violations for ineffective stunning nearly tripled, from 13 percent to 37 percent. At the same time, the percentage of violations for conscious shackling, hoisting, or cutting decreased significantly, from 15 percent to 3 percent, probably because inspection personnel were intervening earlier in the process at the stunning stage. The percentage of violations for improper handling of disabled (or “downed”) animals also decreased significantly, a likely result of a prohibition on slaughtering downed cattle and calves.

Repeat Violators Continue to Present a Serious Enforcement Problem

Each of AWI’s surveys have identified repeat violators as a significant problem at both federal and state plants. These are cases where individual slaughter plants are cited for multiple violations in a relatively short period of time. Federal slaughter plants with the largest number of humane handling incidents during the period 2016–2018 are shown in four separate tables included in the Appendix to this report. The information is organized by federal plant size (“large,” “small,” and “very small”).

The following federal plants were issued three or more suspensions/threatened suspensions within one year. (It should be noted that some of the enforcement actions cited below may have been successfully appealed by the establishment. Information regarding the disposition of appeals is typically not provided by the USDA in response to FOIA requests.)

- Alleghany Highlands Agricultural Center LLC (M44785), in Monterey, VA, was suspended 3 times in 2017.
- Bartel’s Packing (M497), in Eugene, OR, received 2 suspensions and 1 notice of intended enforcement in 2016.
- Belcampo Butchery (M44932), in Yreka, CA, was suspended 4 times in 2018.
- Cimpl’s Inc (M2460), in Yankton, SD, received 4 suspensions and 1 notice of intended enforcement in 2017.
- Gibbon Packing LLC (M5511), in Gibbon, NE, received 3 suspensions and 1 notice of intended enforcement in 2016.
- Marks Meats Inc (M9265), in Canby, OR, was suspended 3 times in 2018.
- Puget Sound Processors LLC (M45858), in Rochester, WA, received 2 suspensions and 1 notice of intended enforcement in 2017.
- Wells Pork & Beef Slaughter (M39876), in Burgaw, NC, was suspended 3 times in 2017.
- Vermont Packerhouse LLC (M45029), in North Springfield, VT, was suspended 3 times in 2017.

In theory, the economic consequences of a plant being suspended should serve as a deterrent to future offenses. Unfortunately, that does not appear to always be the case, perhaps in part because plants—particularly large ones—are typically shut down for only short periods of time, often less than one day. It is the USDA’s position that the department may only suspend inspection for as long as it takes for the plant to provide an acceptable plan for corrective actions and preventive measures, and that the department may not issue punitive suspensions, even when plants have committed repeated egregious violations within a short period of time.

Lack of Criminal Prosecutions

Criminal prosecution should be considered as one approach to deterring repeat violators, or those who commit egregious, willful acts of animal cruelty during handling or slaughter. Unfortunately, according to FSIS Quarterly Enforcement Reports, the USDA has not initiated any civil or criminal prosecutions for inhumane slaughter at licensed federal plants since at least 2007. However, the agency has pursued criminal humane slaughter cases against establishments found to be operating illegally (including several small “backyard” operations in Florida).

Withdrawal of Inspection and Consent Orders

Although the USDA has declined to issue punitive suspensions or pursue criminal prosecutions, in recent years it has initiated stronger administrative actions against some repeat violators. These stronger actions include (1) filing complaints to indefinitely suspend or withdraw slaughter inspection from a violator and (2) entering into consent decisions with a violator. In March 2014, a USDA administrative law judge entered a default decision and order against Brooksville Meat Fabrication (M9173), indefinitely suspending the assignment of inspectors at the Brooksville, Kentucky, plant based upon “repetitive, egregious humane handling and slaughter violations.” To AWI’s knowledge, this was the first instance of the USDA moving to remove inspection from a slaughter establishment solely on the basis of noncompliance with the humane slaughter regulations. This step has been taken in multiple cases since that time during both the Obama and Trump administrations.

A “consent decision and order” allows the plant to resume inspection operations upon verification that the company meets the order requirements. Typical requirements include: appointing a humane handling coordinator; establishing procedures for handling, restraining, and stunning animals; maintaining slaughter equipment; training of employees in humane handling; and conducting third-party audits in response to enforcement actions. (Some plants eventually choose to voluntarily end their slaughter operations rather than complying with the order requirements.) These consent decision and order cases are included in the “Food Safety Adjudicatory

Actions” section of FSIS Quarterly Enforcement Reports. Figure 10 below lists the adjudicatory actions taken by the USDA for repeated humane slaughter violations during the period 2016–2018.

Humane Slaughter Remains a Low Priority Within the USDA

As a percent of all meat inspection actions, the number of humane slaughter actions remains extremely low (Figure 11). For example, in fiscal year 2018, only 2.6 percent of all food safety verification procedures were conducted for humane handling/slaughter (compared to 1.5 percent in 2009). Moreover, less than 1 percent of all food safety NRs were issued for humane handling violations (the same as in 2009). The exception was suspensions and NOIEs, where more than one-third of all of these food safety administrative actions were taken for egregious humane handling violations.

Figure 10. Federal Adjudicatory Actions

Company Name	Plant Number	Plant Location	Administrative Action	Date
Mountainair Heritage Meat Processing Inc	M34427	Mountainair, NM	Amended Consent Decision and Order	5/10/2016
MSM Meat Co	M1052	Colquitt, GA	Consent Decision and Order	8/18/2016
Valley Meat Packing Corp	M4488	Newark Valley, NY	Consent Decision and Order	10/31/2016
Westminster Meats LLC*	M40091	Westminster, VT	Withdrawal of Federal Inspection Services	8/18/2017
Wells Pork & Beef Slaughter	M39876	Burgaw, NC	Consent Decision and Order	3/14/2018
Cimpl's LLC	M2460	Yankton, SD	Consent Decision and Order	5/16/2018

* Plant had a record of both food safety and humane slaughter violations.

Figure 11. Humane Slaughter as a Food Inspection Priority (Fiscal Year 2018)

Type of Enforcement Action	Humane Slaughter Actions (as a percent of all meat inspection actions)
Verification Procedures	2.6%
Noncompliance Records	0.8%
Plant Suspensions/NOIEs	37.1%

Sources: (1) FSIS response to FOIA #2019-00141, submitted by AWI, Jan. 15, 2019; (2) USDA-FSIS Quarterly Enforcement Reports.

State Enforcement

Most state plants, which are limited to selling products intrastate, are typically small or very small establishments. They often do not operate on a daily basis and slaughter a very small number of animals when they do operate. The turnover among these plants is extremely high; few survive long-term. According to an analysis conducted by the USDA's Economic Research Service, only about 10 percent of very small plants last 10 years. Those that do usually do so by meeting local or special demands, such as for the organic, grass-fed, or pasture-raised meat markets. They tend to slaughter multiple animal species and different animal types within a species. For example, while the large federal plants often slaughter steers or heifers or market-weight hogs only, smaller plants are more likely to slaughter mature animals such as culled dairy cows and breeding sows.

While AWI monitors federal enforcement continuously, it surveys state enforcement at intervals of 2–3 years. Since 2010, AWI has requested state enforcement records on four occasions, for the periods 2010–2012, 2013–2014, 2015, and 2016–2018.

All states operating meat inspection programs eventually respond to each open records request from AWI. For this most recent survey, Delaware indicated it had no licensed state-inspected plants for the period in question. Alabama indicated that it had no responsive records. South Carolina provided a summary of enforcement actions but declined to provide the actual records, citing a state law prohibiting the release of information that may be used to identify a person or private business activity subject to regulation by the state meat inspection program.

Comparing State Enforcement Over Time, 2002–2018

The number of enforcement actions taken at state-inspected plants has increased significantly since AWI's first survey, which was conducted for the three-year period 2002–2004 (see Figure 12). Both NRs and suspensions are up dramatically over the past 16 years. The issuance of NRs at state plants has increased tenfold, and the number of suspensions was nearly 25 times higher 2016–2018 than 2002–2004.

Figure 12. State Enforcement Actions (All States)

Type of Action	2002–2004	2007–2009	2010–2012	2013–2015	2016–2018
Noncompliance Records*	72	410	456	735	766
Suspensions/Warnings**	4	12	22	71	98

* Includes memorandums of interview.

** Includes notices of intended enforcement, letters of warning, letters of concern.

Figure 13. Enforcement Actions by State (2016–2018)

State	NRs/MOIs	Suspensions/Warnings ¹	No. of Plants ²
Alabama	0	0	17
Arizona	3	0	25
Delaware ³	0	0	0
Georgia	20	1	34
Illinois	95	12	118
Indiana	17	0	82
Iowa	23	0	67
Kansas	14	3	45
Louisiana	8	0	46
Maine	3	5	5
Minnesota	44	1 ⁴	57
Mississippi	3	3	17
Missouri	3	2	30
Montana	5	0	40
North Carolina	25	2	56
North Dakota	20	3	9
Ohio ⁵	72	11	227
Oklahoma	8	0	20
South Carolina	57	1	55
South Dakota	10	2	37
Texas	123	18	206
Utah	13	0	16
Vermont	2	0	11
Virginia	1	0	8
West Virginia	13	2	19
Wisconsin	154	36	243
Wyoming	30	0	13
TOTAL	766	98	1,453

(1) Includes notices of intended enforcement, letters of warning, letters of concern, and letters of extreme concern.

(2) Number does not include plants under custom inspection. Source is *Fiscal Year 2018 Comprehensive Review and Determination Report* produced by the USDA-FSIS Office of Investigation, Enforcement and Audit, Federal-State Audit Branch, Dec. 2018.

(3) Although Delaware is accredited by the FSIS to operate a meat inspection program, the state had no state-inspected plants during the period 2016–2018.

(4) Minnesota had one administrative penalty (fine).

(5) Only partial records received from Ohio.

Although all state inspection programs are expected to meet the minimum standards of the federal meat inspection program, states vary considerably in terms of the types of reporting forms that they use and the types of enforcement actions taken. For example, a few states (Iowa, Louisiana, and Ohio) issued memorandums of interview (MOIs) for regulatory violations, despite the fact that federal food safety directives confine the use of MOIs to discussions of nonregulatory concerns or description of egregious incidents resulting in plant suspension. In addition, a few states (Missouri, Texas, and Wisconsin) issued documents other than notices of suspension or notices of intended enforcement in response to egregious violations. AWI has reviewed documents titled “Letter of Concern,” “Letter of Extreme Concern,” and “Letter of Warning” that have been issued by these states for this purpose. Figure 13 presents the number of enforcement actions reported for each of the 27 states operating a meat inspection program. All things considered, the enforcement processes used by the inspection programs of Illinois, North Carolina, Ohio, and South Carolina appear to most closely mirror federal policy.

Some states took a significantly greater number of enforcement actions than others. This has been found in each survey conducted by AWI, dating back to 2002. As illustrated in Figure 13, several states, including Arizona, Louisiana, Montana, Oklahoma, Vermont, and Virginia, reported very few NRs and no suspensions or threatened suspensions during the period 2016–2018. On the other hand, four states provided a relatively large number of records: Illinois with 95 NRs/MOIs and 12 suspensions, Ohio with 72 NRs/MOIs and 11 suspensions, Texas with 123 NRs/MOIs and 18 suspensions, and Wisconsin with 154 NRs/MOIs and 36 suspensions and warnings.

However, because the number of plants inspected varies widely by state, the number of enforcement actions per plant inspected must be calculated in order to compare enforcement rates. Figure 14 identifies Wyoming, North Dakota, Utah, and Illinois as the states with the highest rate of noncompliance records for

humane violations 2016–2018. States with the lowest rate of noncompliance records during this period were Missouri, Arizona, Montana, and Virginia.

Violations Cited at State-Inspected Plants

As with its previous surveys of humane slaughter, AWI analyzed types of noncompliances cited at state-inspected plants for the years 2016 through 2018, and compared those results with the previous results for the years 2007 through 2009. As illustrated in Figure 15, the proportion of citations for failure to maintain pens, grounds, or equipment and for improper handling has remained relatively stable. However, the percentage of violations for ineffective stunning nearly quadrupled, from 14 percent to 55 percent, while the percentage of violations for failure to provide water and/or feed dropped by two-thirds. Over the past decade, the breakdown in types of violations at federal and state plants has become more similar.

Figure 14. Noncompliance Record Rate by State, 2016–2018

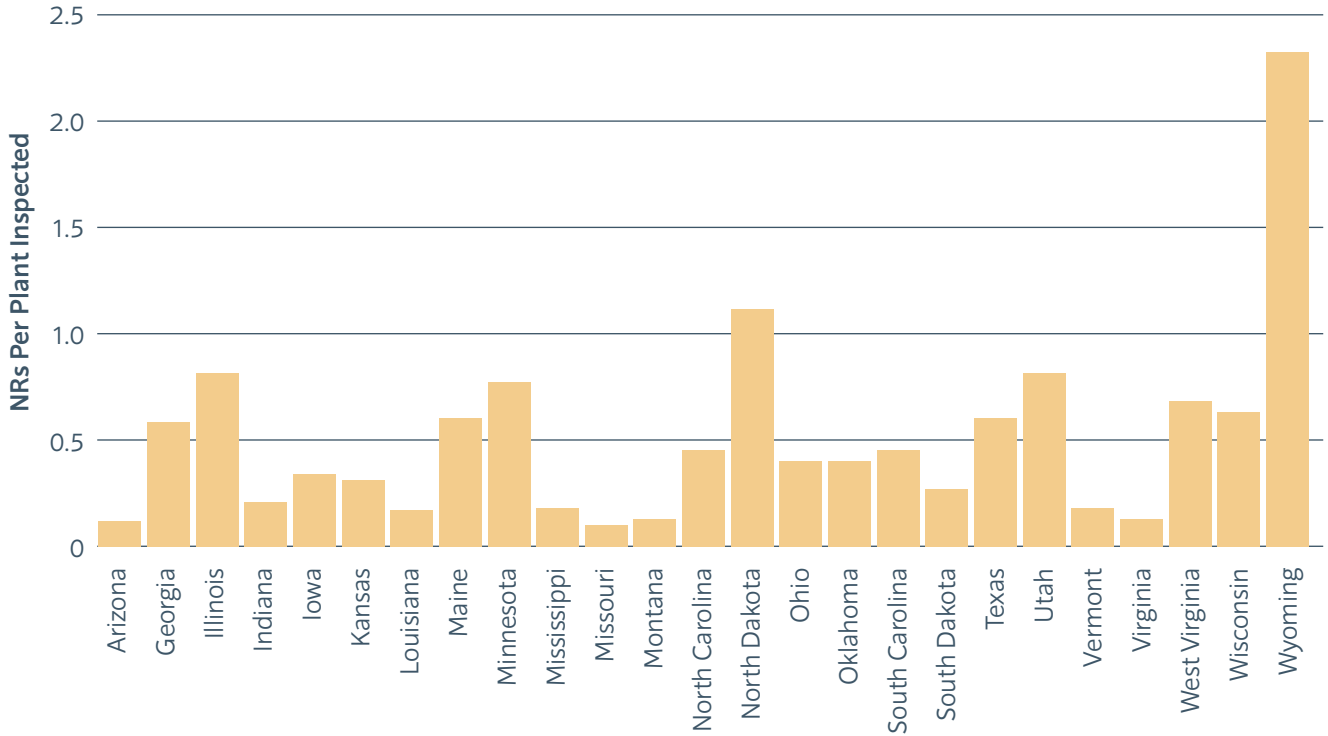
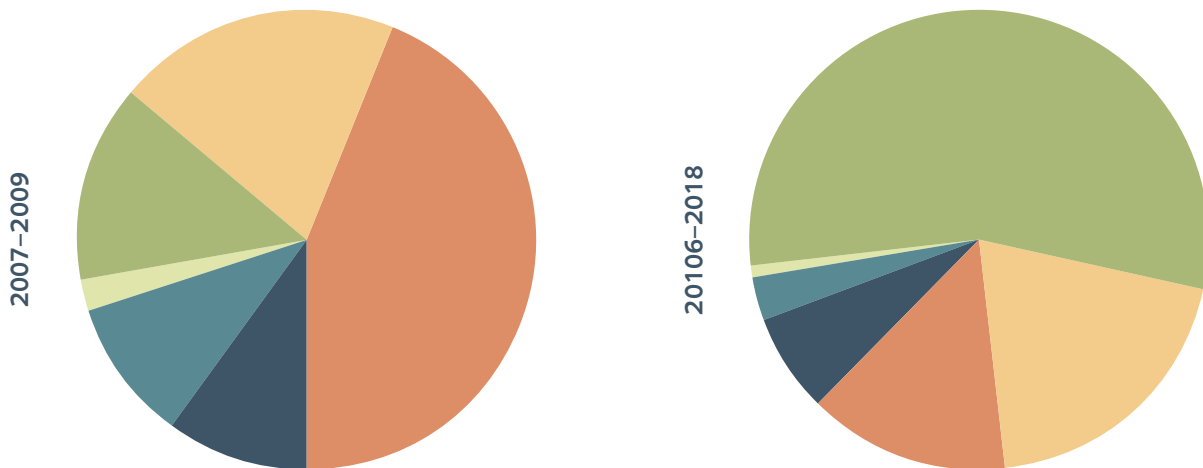


Figure 15. Types of Violations Cited at State Inspected Plants (2007–2009 compared with 2016–2018)

- Ineffective stunning
- Improper handling/use of excessive force
- Pens, grounds, or equipment in disrepair
- Conscious animal shackled, hoisted, or cut
- Failure to provide water and/or feed
- Improper handling of disabled animals



Repeat Violators Continue to Present a Serious Enforcement Problem

As with federal inspection, repeat violations have been shown to be a problem at state-inspected plants in each enforcement survey conducted by AWI. Although repeated suspensions at state plants are observed less frequently than with the federal inspection program, the issuance of numerous NRs to a single plant is not unusual. Several examples follow. (It should be noted that it is possible that some of the enforcement actions cited below were successfully appealed by the establishment. Information regarding the disposition of appeals is typically not provided in response to state open records requests.)

- ✎ An Illinois plant (IL60) was issued 12 NRs and 2 suspensions within two years.
- ✎ A North Carolina plant (NC318) was issued 12 NRs and 1 suspension within two and a half years.
- ✎ A North Dakota plant (ND108) was issued 8 NRs and 2 notices of intended enforcement within two years.
- ✎ An Ohio plant (OH180) was issued 9 NRs within two and a half years.
- ✎ A Texas plant (TX138) was issued 8 NRs and 2 letters of warning within two years.
- ✎ A Texas plant (TX470) was issued 11 NRs and 1 notice of intended enforcement within two years.
- ✎ A Texas plant (TX495) was issued 8 NRs and 1 letter of warning within two and a half years.
- ✎ A Texas plant (TX1426) was issued 13 NRs within three years.
- ✎ A Wisconsin plant (WI539) was issued 10 NRs within two and a half years.

Lack of Criminal Prosecutions

As mentioned above, criminal prosecution should be considered as one approach to deterring repeat violators, or those who commit egregious, willful acts of animal cruelty during handling or slaughter. At the state level,

criminal prosecution is possible under state humane slaughter laws, as well as under state anti-cruelty laws. Eighteen of the 27 states with state meat inspection programs have state-level humane slaughter laws on the books. In addition, the animal cruelty laws of 24 of the 27 states theoretically allow for the prosecution of inhumane slaughter cases. (See AWI's report, *Legal Protections for Farm Animals at Slaughter*, for additional information.) Unfortunately, AWI has received no information indicating that any state has pursued criminal prosecution of an individual or company committing inhumane slaughter since at least 2007. Minnesota prosecuted a criminal case against a custom slaughter operation for inhumane slaughter of a pig by use of an axe in 2004. Minnesota was also the only state to assess an administrative penalty 2016–2018; during those three years, the state assessed one fine.

Comparing Federal and State Enforcement

To compare federal and state humane slaughter enforcement efforts, AWI attempted to answer the following questions:

- Do federal or state inspectors spend more time on humane slaughter oversight?
- Are violations more likely to be observed by federal or state inspectors?
- Are violations more likely to be reported by federal or state inspectors?
- When violations are reported, are federal or state inspectors more likely to take the most appropriate enforcement action?

Who Spends More Time on Humane Handling?

Although it is possible to determine how much time is spent by federal and state inspection personnel on humane activities, interpreting and comparing the data is difficult. This is primarily because the amount of time spent per animal varies widely depending on the size of the slaughter establishment. Inspectors stationed at larger slaughter plants are able to readily observe far more animals at once. For example, according to FSIS Humane Handling Quarterly Reports, federal inspectors observe nearly 1,000 animals per hour (spending about 4 seconds per animal) in slaughter plants classified as “large,” but they observe only about 30 animals per hour (spending about 2 minutes per animal) in slaughter plants classified as “very small.” Records supplied to AWI by several states for previous reports suggest that inspectors at state plants spend even more time on each animal slaughtered, between 7 and 45 minutes per animal. While federal inspectors may spend a greater total amount of time on humane activities, inspectors at state plants and smaller federal plants spend more time per animal.

Who Observes More Violations?

Given the size of the slaughter plant, and the proximity of inspectors to the areas of the plant where animals are handled and slaughtered, there is no question that inspectors at state plants have greater opportunity to observe the treatment of individual animals. However, inspectors at federal plants—particularly large ones—witness the handling and slaughter of many more animals in an average shift.

Who Reports More Violations?

For the period 2016–2018, inspectors at federal plants issued three times the number of noncompliance records and six times the number of suspensions as inspectors at state plants (Figure 16). However, the differences in plant size for federal and state inspection render a direct comparison inappropriate. Given that more than 90 percent of animals are slaughtered at federally inspected establishments, the citation rate is actually considerably higher at state plants.

Who is More Consistent in Taking Appropriate Enforcement Actions?

Figure 16 illustrates one area where federal inspection exceeds state inspection. State programs issue fewer suspensions in proportion to the number of noncompliance records. However, the suspension rate for state programs increased from 4 percent in 2009 to 8 percent during the period 2016–2018 (the rate increases to 14 percent if Letters of Warning and Letters of Concern are counted), while the federal rate was 15 percent.

The lower suspension rate for state programs indicates that state inspectors either witness less serious humane slaughter offenses, generally, or they issue a lower penalty than what is called for in the FSIS humane handling and slaughter directive. From reviewing state enforcement records, AWI has determined that the latter is true: State inspection programs take inadequate enforcement actions more frequently than the federal inspection program. Throughout its surveys, AWI has identified hundreds of instances where state inspectors responded inadequately after observing a humane

handling violation, such as issuing a memorandum of interview instead of an NR for a regulatory violation, or issuing an NR instead of a suspension or NOIE for an egregious regulatory violation.

In conclusion, while state inspection personnel spend more time on humane activities per animal slaughtered—and likely observe and report more

violations per animal—federal inspectors are more consistent in responding to violations with appropriate enforcement actions. However, the gap between state and federal enforcement has narrowed considerably over the past 15 years, and in the near future it is possible that no significant difference will be detected between enforcement at the state and federal levels.

Figure 16. Federal vs. State Humane Slaughter Enforcement (2016–2018)

Enforcement Action	State	Federal
Memorandums of Interview	40	190
Noncompliance Records	726	2,258
Notices of Intended Enforcement (NOIE)	20	75
Notices of Suspension	36	261
Suspension/NOIE rate	7.8%	14.9%
Letters of Warning (LOW) /Letters of Concern (LOC)*	42	–
Suspension/NOIE rate (with LOWs/LOCs)	13.5%	–
Records with Regulatory Control Action cited	37%	44.6%

* Missouri, Texas, and Wisconsin appear in some cases to be issuing Letters of Warning and/or Letters of Concern for egregious violations.

Need for Updated Regulations

In 1979, the USDA adopted the current HMSA regulations in an attempt to address humane handling and slaughter at US slaughter establishments. Since that time there have been numerous advances in the humane slaughter of livestock, including a greater understanding of the pain and stress experienced by animals at slaughter and wide recognition within the animal agriculture and slaughter industries of techniques to reduce animal suffering at slaughter. Nevertheless, in 40 years, the USDA has not once amended the regulations for the purpose of preventing inhumane handling and/or slaughter.

This compares unfavorably with the history of other regulations related to animal welfare, such as those adopted under the Animal Welfare Act, Horse Protection Act, and Organic Food Production Act, which have all been amended on multiple occasions following passage of the associated legislation.

Since the HMSA regulations were adopted in 1979, tens of thousands of incidents of inhumane handling at slaughter have been observed and documented by inspection personnel at federal and state slaughter plants. In 2013, AWI analyzed a sample of more than 1,000 of these incidents to identify the most common causes of inhumane slaughter. This review found that the following are the most frequent causes of inhumane incidents (not adequately addressed by the HMSA regulations):

- ✎ Lack of worker training in humane handling techniques
- ✎ Use of inappropriate stunning devices
- ✎ Improper shot placement, often in connection with inadequate restraint
- ✎ Lack of routine testing and maintenance of stunning equipment
- ✎ Lack of functional backup stunning devices

AWI's Petition to Update Regulations

In May 2013, AWI filed a rulemaking petition requesting that the USDA amend its HMSA regulations to add the following requirements:

- ✎ Every establishment shall develop a written, systematic humane handling plan in order to address the risks the HMSA seeks to mitigate.
- ✎ Establishment workers shall be trained in humane handling of animals prior to first coming in contact with any animal, and at regular intervals thereafter, and the training shall be recorded.
- ✎ If more than one stunning method is used at an establishment, guidelines shall be posted in the stunning area regarding the appropriate device with regard to kind, breed, size, age, and sex of the animal to produce the desired results.
- ✎ Guidelines shall be posted in the stunning area regarding the proper placement of mechanical stunning devices for all species of animals slaughtered at the establishment.
- ✎ Chemical, mechanical, and electrical stunning equipment shall be routinely tested and maintained, and the testing and maintenance shall be recorded.
- ✎ Establishments shall maintain loaded backup stunning devices in the holding and stunning areas of the plant; these devices shall be checked and cleaned at least weekly, and the routine maintenance shall be recorded.

AWI estimates that roughly half of all humane slaughter violations are associated with one or more of these deficiencies. This means that potentially thousands of humane slaughter incidents occurring over the past six years could have been prevented if AWI's petition had been granted in a timely manner. The following are examples of some of the reported egregious incidents related to just one of the issues identified by AWI, the lack of a functional backup stunning device:

- ✎ Messina Meats (M45422), in Orland, CA, was suspended on July 28, 2016, for inhumane slaughter of a calf. After three unsuccessful attempts to stun the animal with the primary captive bolt device, the employee attempted to use a backup device. However, that device was not loaded and ready for use. After two more attempts with the primary device, the calf was rendered insensible.

- ✎ Big Dog Meats (M5297), in West Haven, CT, was suspended on October 4, 2016, for an egregious humane slaughter incident. An employee made three unsuccessful attempts to stun a sheep with an electrical stunner. Because no backup stunner was available, the employee slit the sheep's throat without first rendering the animal insensible.
- ✎ Toole Valley Meats (M20594), in Grantsville, UT, was suspended on March 22, 2018, for taking three attempts to effectively stun a market hog. The employee did not have a backup captive bolt gun and needed to reload cartridges between stunning attempts.
- ✎ Julius Falkavage (M48108), in Stevens Point, WI, was suspended on October 24, 2019, for an egregious incident related to the electrical stunning of a market hog. The employee made three unsuccessful attempts. Because the plant did not have a backup device available, the employees shackled, hoisted, and cut the conscious animal, who eventually lost consciousness through blood loss.
- ✎ Hudson Meat and Sausage Inc (M18632), in Hudson, SD, was suspended on October 28, 2019, for failing to effectively stun a bull on the first attempt. After three unsuccessful attempts with a .22 magnum caliber rifle, employees decided a larger gun was needed. Because no such device was available, the owner left the premises to retrieve another firearm from his residence.

In December 2016, AWI filed a lawsuit against the USDA for its unreasonable delay in responding to the 2013 petition. AWI—represented by the Public Justice Advocacy Clinic at The George Washington University Law School—sued the USDA under the Administrative Procedure Act, which requires agencies to respond to citizen petitions for rulemaking within a reasonable time.

The USDA responded to the lawsuit in February 2017 by denying the petition. While explaining that the USDA has decided not to engage in rulemaking at the current time, the denial letter also stated that the department “continues to examine the issues addressed in [the AWI] petition to determine whether rulemaking would be warranted in the future.”

The USDA's Current Approach to Humane Slaughter Enforcement

In denying AWI's petition, the USDA expressed a preference for addressing humane slaughter through voluntary industry adoption of humane handling best practices. This is a long-standing USDA position, illustrated by the fact that the department's humane slaughter regulations were last amended some 40 years ago.

In recent years, the USDA has focused on the challenges faced by small and very small slaughter establishments. It is concentrating on the stunning of animals, and in particular the role of inadequate restraint in missed stunning incidents. AWI's research supports an increased focus on stunning practices, especially at small and very small plants. AWI also agrees that inadequate restraint plays a role in many stunning violations, along with inadequate staff training, poorly maintained equipment, lack of backup stunning devices, and the use of inappropriate stunning methods by plant workers.

The USDA recently created and deployed a new task for its Public Health Veterinarians that involves performing monthly assessments to determine if individual plants have a robust systematic approach to humane handling. During FY 2019, the USDA assessed the functioning of this new task and decided to continue to use data from the task to allow the department to “better focus its resources and efforts on higher risk establishments.” In FY2020, the USDA will be conducting targeted humane handling visits at small and very small plant by a team of humane slaughter experts—the district veterinary medical specialists (DVMS). “By targeting outreach in this manner, FSIS believes small and very small establishments will be able to perform effective stunning and thus comply with the HMSA.” The DVMS team will also perform its regular verification visits to assess how a plant's systematic approach to handling animals is functioning, according to the *FSIS 2020 Annual Plan*.

AWI will continue to monitor humane slaughter enforcement records to determine whether this new outreach effort is successful in reducing the occurrence of stunning incidents at small and very small plants.

Recommendations

AWI's recommendations for improving enforcement of the Humane Methods of Slaughter Act remain essentially unchanged since its 2010 report. AWI offers the following recommendations based on its continued research into federal and state humane slaughter enforcement:

- ↘ **The USDA and state departments of agriculture should significantly increase their allocation of resources to humane handling and slaughter activities.** Inspection personnel should be permanently stationed in the stunning area of every plant; at a minimum, inspectors should observe the stunning process at least twice each shift.
- ↘ **The USDA should continually analyze federal and state level enforcement activities** in order to ensure more consistent application of the humane slaughter law in plants of all sizes and locations across the country. The USDA should more closely monitor state enforcement programs to assess whether their actions are consistent with the FSIS humane handling and slaughter directive, specifically that MOIs, NRs, and Letters of Concern/Warning are not being issued for egregious violations.
- ↘ **To address repeat violators and discourage future offenses, the USDA should establish a policy of escalating penalties,** including longer suspension periods and more frequent withdrawals of inspection for repeated violations. The USDA should monitor compliance with the repeat violator policy among states and federal district offices.
- ↘ **As a further means of deterrence, the USDA and state departments of agriculture should cooperate with state and local law enforcement agencies in the pursuit of criminal animal cruelty charges for incidents of willful animal abuse.** The USDA should begin this process by developing guidelines for the referral of potential criminal animal cruelty cases, which should be incorporated into the FSIS humane handling and slaughter directive.
- ↘ **The USDA and state departments of agriculture should seek to improve the effectiveness of the district or regional veterinary specialist role** and increase funding for this position in order to provide in-plant personnel with greater access to humane slaughter expertise and increase the frequency of audits—both scheduled and unscheduled—by qualified individuals outside the slaughter plant.
- ↘ **The USDA should make additional slaughter plant inspection records, including noncompliance records, available to the public on its website** to help educate the public regarding humane slaughter practices and encourage compliance by slaughter plants with humane slaughter requirements. (As of March 2020, only notices of suspension and notices of intended enforcement are posted.)
- ↘ **Finally, the USDA should revise the federal humane slaughter regulations to address the most common causes of violations,** including requiring that all animal stunning devices be routinely tested, workers be formally trained in humane handling and slaughter, and functional backup stunning devices be available.

Appendix

Figure 1. “Large” Livestock Slaughter Plants with the Most Humane Handling Incidents* (2016–2018)

Company Name	Plant Number	Plant Location	No. of Records
Smithfield Packaged Meats Corp	M17D	Sioux Falls, SD	41
Tyson Fresh Meats Inc	M244W	Waterloo, IA	30
Swift Pork Company (JBS)	M3W	Worthington, MN	25
JBS Souderton Inc	M1311	Souderton, PA	24
JBS Green Bay Inc	M562	Green Bay, WI	21
New Angus LLC	M45471	Aberdeen, SD	21
Swift Pork Company (JBS)	M995	Louisville, KY	21
Swift Beef Company (JBS)	M969G	Grand Island, NE	15
Swift Pork Company (JBS)	M3S	Marshalltown, IA	15
JBS Plainwell Inc	M562M	Plainwell, MI	11

* Incidents are described in USDA enforcement records, including memorandums of interview, noncompliance records, notices of intended enforcement, and notices of suspension. All plants had at least one egregious violation during the period.

Figure 2. “Small” Livestock Slaughter Plants with the Most Humane Handling Incidents* (2016–2018)

Company Name	Plant Number	Plant Location	No. of Records
Andy’s Meats Inc	M45629	Endeavor, WI	35
Gold Medal Packing Inc	M17965	Rome, NY	28
Vermont Packinghouse LLC	M45029	North Springfield, VT	28
Cimpl’s Inc	M2460	Yankton, SD	26
West Michigan Beef Co LLC	M1816	Hudsonville, MI	24
Bob Evans Farms Inc	M6785	Xenia, OH	21
BEF Foods Inc	M952	Hillsdale, MI	19
Fauquier’s Finest Custom Meat Processing	M33940	Beaeton, VA	19
Huse’s Processing Inc	M13445	Malone, TX	19
Iowa Premium LLC	M8	Tama, IA	17
Masami Foods Inc	M6173	Klamath Falls, OR	17

* Incidents are described in USDA enforcement records, including memorandums of interview, noncompliance records, notices of intended enforcement, and notices of suspension. All plants had at least one egregious violation during the period.

Figure 3. “Very Small” Livestock Slaughter Plants with the Most Humane Handling Incidents* (2016–2018)

Company Name	Plant Number	Plant Location	No. of Records
Harmon Brothers Meats Inc	M7356	Warsaw, KY	34
Creston Valley Meats	M22095	Creston, CA	19
Rhode Island Beef & Veal Inc	M5300	Johnston, RI	19
Springfield Meat Company	M9704	Richlandtown, PA	16
St Croix Abattoir	M482	St Croix, VI	15
Pudliner Packing	M4999	Johnstown, PA	14
Scotts Hook & Cleaver Inc	M10038	Scotts, MI	14
Jones Meat & Food Services Inc	M7722	Rigby, ID	13
Marks Meat Inc	M9265	Canby, OR	13
JJ Meat Co	M4969	Madera, CA	12
Marksbury Farm Foods LLC	M40041	Lancaster, KY	12

* Incidents are described in USDA enforcement records, including memorandums of interview, noncompliance records, notices of intended enforcement, and notices of suspension. All plants had at least one egregious violation during the period.

Figure 4. Livestock Slaughter Plants with the Most Egregious Humane Handling Violations* (2016–2018)

Company Name	Plant Number	Plant Location	No. of Records
Swift Beef Company (JBS)	M969G	Grand Island, NE	6
Masami Foods Inc	M6173	Klamath Falls, OR	6
Cimpl's Inc	M2460	Yankton, SD	5
Vermont Packinghouse LLC	M45029	North Springfield, VT	5
Belcampo Butchery	M44932	Yreka, CA	4
EL Blood & Sons Inc	M6354	West Groton, MA	4
Gibbon Packing LLC	M5511	Gibbon, NE	4
Puget Sound Processors Inc	M45858	Rochester, WA	4
Tyson Fresh Meats Inc	M244W	Waterloo, IA	4

* Includes slaughter plants of all sizes.

Note: Some of the enforcement actions counted above may have been successfully appealed by the establishment. Information regarding the disposition of appeals is typically not provided by the USDA in response to FOIA requests. The USDA defines “large” establishments as those with 500 or more employees, “small” establishments as those with between 10 and 499 employees, and “very small” establishments as those with fewer than 10 employees or annual sales of less than \$2.5 million.



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