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THE WELFARE OF BIRDS AT SLAUGHTER IN THE UNITED STATES

The Need for Government Regulation

ANIMAL WELFARE INSTITUTE

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ABOUT THE RESEARCH

This report presents the findings of an extensive review of federal food inspection documents produced by the USDA between the years 2006 and 2014. The records were obtained from the USDA through numerous requests made by the nonprofit animal protection organization Farm Sanctuary under the Freedom of Information Act (FOIA). This is the first-ever survey conducted with the goal of determining the nature and extent of government oversight of the manner in which birds raised for meat and eggs are treated at the time of slaughter in the United States.

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ABOUT THE ANIMAL WELFARE INSTITUTE

Since its founding in 1951, the Animal Welfare Institute (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 include eliminating factory farms, supporting high-welfare family farms, and achieving humane transport and slaughter of all farm animals.

This report was prepared by Dena Jones of AWI, who wishes to thank Bruce Friedrich and Kathleen Wood, as well as the animal protection organizations Farm Sanctuary and Mercy For Animals, for their assistance in the preparation of the report. All photos by Mercy For Animals.

Executive Summary

Regulation of the Handling of Birds at Slaughter Is Needed to Prevent Animal Suffering

In the early-to-mid 2000s, undercover investigations by animal protection organizations exposed mistreatment of chickens and turkeys in some of the nation's largest poultry slaughter establishments. The response of the US Department of Agriculture (USDA) was to issue a Notice in September 2005, reminding the poultry industry that birds must be handled in a manner that is consistent with good commercial practices (GCP), which means they should be treated humanely. Shortly thereafter, the USDA began issuing reports to plants observed violating GCP. No formal regulations were written, however and, as a result, compliance with GCP remains merely voluntary; in most cases, USDA inspection personnel may not take enforcement action for violations, even when intentional abuse is involved.

The research described in this report reviewed USDA records related to industry GCP for poultry handling. Findings of the research include:

- ✎ **The USDA's response to the mistreatment of birds has been inadequate.** Between 2011 and 2014, nearly 40% of federal poultry plants were issued no enforcement records whatsoever by the USDA documenting their compliance with industry animal handling guidelines. Moreover, over two-thirds of plants received no veterinary specialist audits of bird handling during this four-year period. Given these facts, AWI has concluded that the USDA is not serious about preventing mistreatment of birds at slaughter, and it created the GCP oversight program to dampen public and congressional concerns.
- ✎ **The USDA's own records document the need for regulation.** A review of USDA records has revealed incidents where hundreds, and even thousands, of birds have suffered greatly due to violations of industry GCP. Included in these records are many examples of intentional cruelty to birds by plant employees. Slaughter plant workers have been observed throwing, kicking and punching birds on numerous occasions.
- ✎ **Undercover investigations by animal protection organizations document the need for regulation.** Animal protection groups have recently resumed undercover investigations that document the same type of abuse uncovered a decade before, demonstrating that the USDA strategy of allowing the poultry industry to police itself has failed. Video captured during the investigations suggests that intentional abuse of birds is common practice, at least at some slaughter establishments.
- ✎ **USDA records demonstrate that its strategy of voluntary compliance has been ineffective.** USDA records reveal that some poultry plants have been cited repeatedly for the same or similar violations of good animal handling practices. This is not surprising, given that USDA inspection personnel are not able to take any enforcement action for most of the violations.
- ✎ **The poultry industry misrepresents USDA oversight to avoid regulation.** The US poultry industry promotes the view that the USDA actively enforces humane slaughter practices for poultry, while simultaneously arguing that the USDA lacks the authority to regulate humane slaughter of birds. Leaders of the industry have issued a number of inaccurate and, in some cases, contradictory statements regarding the USDA's authority to stop the mistreatment of birds at slaughter.

Overview of Poultry Slaughter in the United States

How many birds are killed for food each year?

According to the USDA, in 2014, 8.9 billion chickens, turkeys and ducks were slaughtered in the United States under federal inspection. This number excludes birds of these species killed under state or custom-exempt inspection, and it also excludes other species of birds killed for meat, such as geese, guineas, ostriches, emus, rheas and squab (young pigeons).

How many poultry slaughter plants operate in the United States?

Approximately 300 poultry slaughter plants operate under federal inspection, and these establishments slaughter a vast majority of the 9 billion total birds killed every year for meat.

What are the largest US poultry companies?

According to WATT Poultry USA, in 2014, the largest US meat chicken (“broiler”) companies were Tyson Foods, Pilgrim’s, Sanderson Farms, Perdue Farms and Koch Foods. The largest turkey companies that year were Butterball LLC, Jennie-O Turkey Store, Cargill Turkey, Farbest Foods and Tyson Foods.

What methods are used to kill birds?

Birds are typically slaughtered by throat-cutting to induce blood loss. To keep birds immobile for cutting, most poultry slaughter plants in the United States employ electrified water baths (see Figure 1). Alternatives to electric stunning include stunning with gas or low atmospheric pressure, which are generally considered more humane because the birds are rendered unconscious (or dead) before being shackled and inverted for bleeding purposes. All but a handful of US chicken slaughter plants use electric stunning, but gas stunning has become more common at turkey plants over the past two decades.

What are the differences between poultry slaughter in the United States and in the European Union?

A greater proportion of birds are slaughtered at small and mid-sized establishments in the European Union,

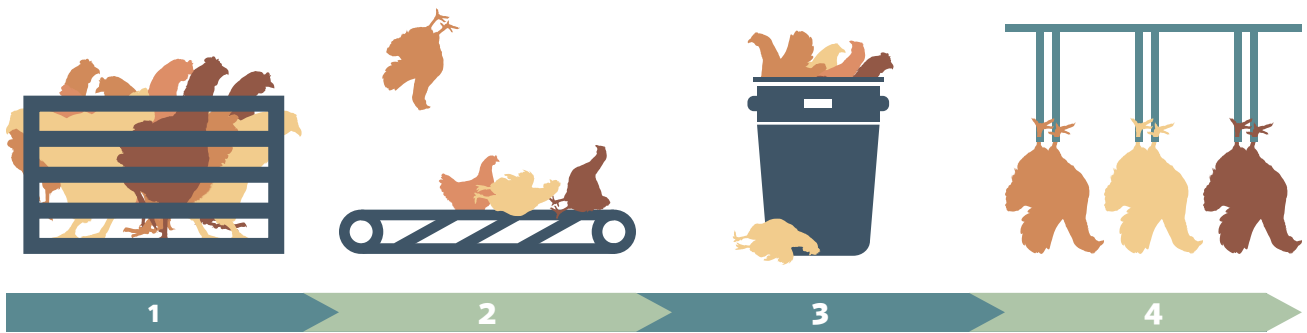


while in the United States the poultry industry is more consolidated and integrated, meaning that fewer companies control the raising and slaughter of poultry. In the European Union, a greater proportion of birds are slaughtered by methods that use gas stunning, because stunning is viewed as a means of rendering birds insensible to pain, not just of restraining them for cutting. Although electric stunning systems are still common in the European Union, electric current levels there are set significantly higher than in the United States. This means that in the United States, there is a greater risk that a bird will not be rendered unconscious before slaughter.

How does the US government regulate poultry slaughter?

Poultry slaughter is regulated by the federal Poultry Products Inspection Act (PPIA). Birds are killed for human consumption at slaughter plants inspected by the USDA or state departments of agriculture. Birds may also be killed at custom-exempt plants, which are inspected only once or twice each year. In addition, there are several exemptions from inspection, one of which allows a licensed establishment to slaughter up to 20,000 birds per year for sale to any consumer, restaurant, institution or retail outlet.

Figure 1. How Most Poultry Is Killed in the US



1 Arriving at Slaughter Plant

Birds arrive crammed inside crates loaded onto large trucks. There are no legal limits on the duration of transport, or how long birds wait at the plant before slaughter. There are also no requirements that birds be protected from extreme heat or cold, or provided with adequate ventilation.

2 Dumping onto Conveyor Belt

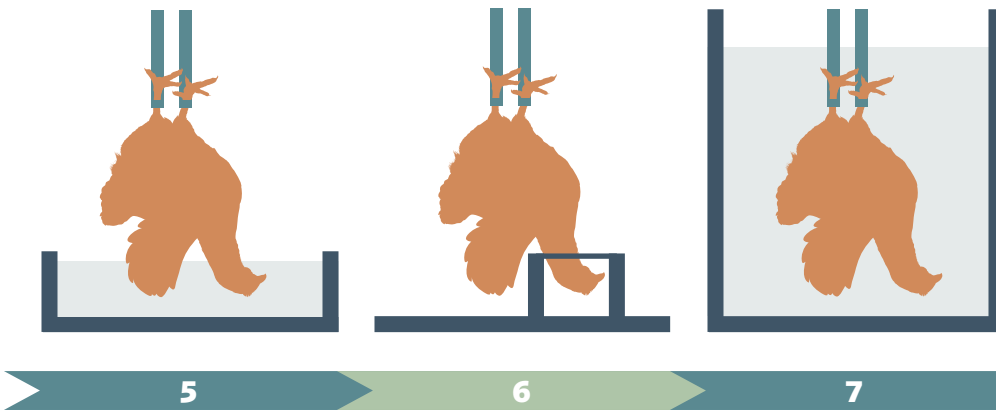
Workers toss or dump birds out of their cages onto conveyor belts. Injuries to the birds, including bruising and broken bones, may occur during this step.

3 Sorting Dead and Live Birds

Workers separate living and dead birds. Workers sometimes toss live birds onto the floor where they may be stepped on, or into garbage bins where they may become buried under dead birds and eventually suffocate.

4 Shackling on the Line

Workers hang live birds by their legs from the slaughter line. Sick and previously injured birds may be shackled and hung. Workers struggle to keep pace with the rapidly moving line, and if they use excessive force, injuries to the birds such as broken or dislocated legs and wings may result.



5 Stunning in Electrified Bath

The birds' heads are dragged through an electrified water bath. There are no legal minimum current levels, and it is unknown whether birds are rendered unconscious and insensible to pain or are merely immobilized. Birds who raise their heads to avoid the bath fail to get stunned.

6 Bleeding after Cutting

The birds' necks are cut by an automated blade. Birds who were not properly stunned in the last step may raise their heads to avoid the knife. Workers assigned to manually cut birds that miss the blade may not be able to catch all uncut birds due to the rapid speed of the line.

7 Entering the Scald Tank

Birds who are not adequately bled in the last step will be alive and conscious when they are dunked into a tank of scalding water (designed to loosen feathers from the carcass). Birds drowning in the scald tank are referred to as "red birds" or "cadaver birds."

Attempts to Regulate the Humaneness of Poultry Slaughter

The Humane Methods of Slaughter Act (HMSA) was enacted by Congress in 1958, and the language was amended 20 years later to provide an enforcement mechanism and to incorporate the law into the Federal Meat Inspection Act. The explicit language of the law refers to “livestock” and neither includes nor excludes birds. The position of animal protection organizations is that the USDA has the authority to cover birds under the law, while the USDA’s view is that including birds would require an act of Congress. A legal discussion of the subject is beyond the scope of this report; instead, this section will briefly describe attempts by animal protection advocates over the past 20 years to influence both Congress and the USDA to protect the welfare of birds at slaughter.

Animal protection advocates worked with members of Congress to introduce legislation to require humane slaughter of poultry in 1992, 1993 and 1995. The 1992 bill would have amended the PPIA to require that poultry be slaughtered according to the methods detailed in the HMSA. This would have had the effect of requiring that birds be rendered insensible to pain before being shackled. The 1993 and 1995 bills differed in that they allowed birds to be rendered insensible either before or immediately after shackling. None of the bills addressed the entirety of handling birds at slaughter, only the stunning of birds during this process. The 1993 bill received a hearing in the House Agriculture Subcommittee on Nutrition, at which the president of AWI testified. In 1996, the House Agriculture Committee requested an executive comment from the USDA on the 1995 legislation.

No further attempts were made in Congress to address poultry welfare at slaughter until 2013, when Senator Kirsten Gillibrand (D-NY) introduced the Safe Meat and Poultry Act of 2013. This comprehensive meat safety bill included a section on “good commercial practices in receiving and processing live poultry” that would have created new standards for handling birds at slaughter. Specifically, the bill required that poultry establishments

use reasonable care and other GCP during the handling and slaughter of poultry, including prompt euthanasia of severely injured or ill birds, employee training and competency requirements, and the implementation of live poultry slaughter plans that include routine veterinary oversight. It also contained provisions for escalating penalties for serious violations, civil penalties, and whistleblower protection. Congress took no action on the bill, however.

Animal protection advocates have filed two lawsuits to include birds in the coverage of humane slaughter laws. In 2005, The Humane Society of the United States and others sued the USDA in hopes of forcing the department to include chickens, turkeys and other poultry species within the definition of “livestock” in the HMSA. This would ensure that birds are rendered insensible to pain before being shackled and killed, consistent with the language of the 1992 federal legislation. Including poultry in the HMSA would also provide humane handling of birds in connection with slaughter. However, in 2008 the district court ruled that while the definition of livestock in the HMSA is ambiguous, Congress did not intend for poultry to be covered under the law. On appeal, the circuit court found that plaintiffs did not have standing to sue and sent the case back to the district court for dismissal.

Approximately 10 years later, in June 2015, People for the Ethical Treatment of Animals (PETA) sued California, charging that the state was failing to enforce its own humane slaughter law in poultry plants. The suit is based on a 1991 amendment to the state humane slaughter law that specifically covers poultry. It challenges the state’s determination that the law pertains only to establishments that sell live birds and slaughters them for customers; these establishments are monitored by the state food and agriculture department. In its suit, which is pending at press time, PETA asked that the court direct the state to apply the law to the slaughter of birds under federal inspection.

In addition to these lawsuits, the USDA has been formally petitioned on two occasions to issue regulations addressing the humaneness of poultry



In the US, birds are still conscious when they are shackled by their legs and hung upside down.

slaughter. In 1995, AWI and the Animal Legal Defense Fund submitted a rulemaking petition to the USDA, requesting that the agency promulgate regulations under the PPIA to ensure adequate stunning of birds prior to slaughter. That petition argued that effective stunning was necessary to prevent animal suffering and to ensure the wholesomeness of poultry products.

In denying the petition, the USDA explained that “the promulgation of humane handling and slaughter regulations would not serve to prevent the movement or sale of adulterated or misbranded poultry products in interstate or foreign commerce,” despite the petition having provided considerable evidence demonstrating the causal relationship between inhumane handling and slaughter of birds and adulterated poultry products. The USDA denial also expressed the opinion that “the PPIA does not grant FSIS [Food Safety and Inspection Service] authority to promulgate regulations concerning the humane handling or slaughter of poultry.”

However, in 2005, the USDA issued a Notice to slaughter establishments that acknowledged the link between inhumane treatment of birds and adulterated poultry products, in direct contradiction to its stated

rationale in denying the 1995 petition. (The 2005 Notice is described further in the following section.) In 2013, AWI and Farm Sanctuary utilized the 2005 Notice as the basis of a second rulemaking petition to the USDA on poultry slaughter. Similar to the 1995 petition, this petition argued that the USDA has the authority to promulgate regulations concerning practices that have the potential to result in product adulteration. Unlike the previous attempt, however, this petition focused on live animal handling and not the method of stunning. As of April 2016, AWI and Farm Sanctuary have received no response from the USDA on the latest petition.

USDA Response to Abuse of Birds Has Been Inadequate

Between 2003 and 2006, animal protection organizations conducted several undercover investigations at US chicken and turkey slaughter plants. These investigations revealed egregious and intentional abuse of birds by workers at the plants that outraged the public and public officials alike. According to the USDA, in the aftermath of these investigations, several members of Congress expressed concerns regarding the inhumane treatment of poultry at slaughter. The USDA also confirmed receiving over 20,000 letters from the public expressing concerns about the inhumaneness of slaughter practices, as well as 13,000 e-mail messages supporting the inclusion of poultry in the Humane Methods of Slaughter Act.

The USDA response to the documentation of animal abuse at slaughter was to issue a Notice in September 2005 that reminded poultry slaughter establishments that “under the Poultry Products Inspection Act (PPIA) and Agency regulations, live poultry must be handled in a manner that is consistent with good commercial practices, which means they should be treated humanely.” The Notice stated that although there is no specific federal humane handling and slaughter statute that covers birds, “under the PPIA, poultry products are more likely to be adulterated if ... they are produced from birds that have not been treated humanely, because such birds are more likely to be bruised or to die other than by slaughter.”

A careful reading of the Notice makes clear that, although the USDA acknowledges it has the authority to require that birds be handled humanely, it is not doing so. Neither of the two regulations cited in the Notice prohibit behavior that results in mistreatment of individual birds. Regulation 381.65(b), which cites the term “good commercial practices,” only addresses birds drowning in the scald tank and does not refer to any other aspects of live bird handling. Regulation 9 CFR 381.90 requires that “carcasses of poultry showing evidence of having died from causes other than slaughter” be condemned, but it does not

prohibit behavior that can result in death other than slaughter. Moreover, the Notice fails to define “good commercial practices” other than to identify the weak National Chicken Council Animal Welfare Guidelines as one example.

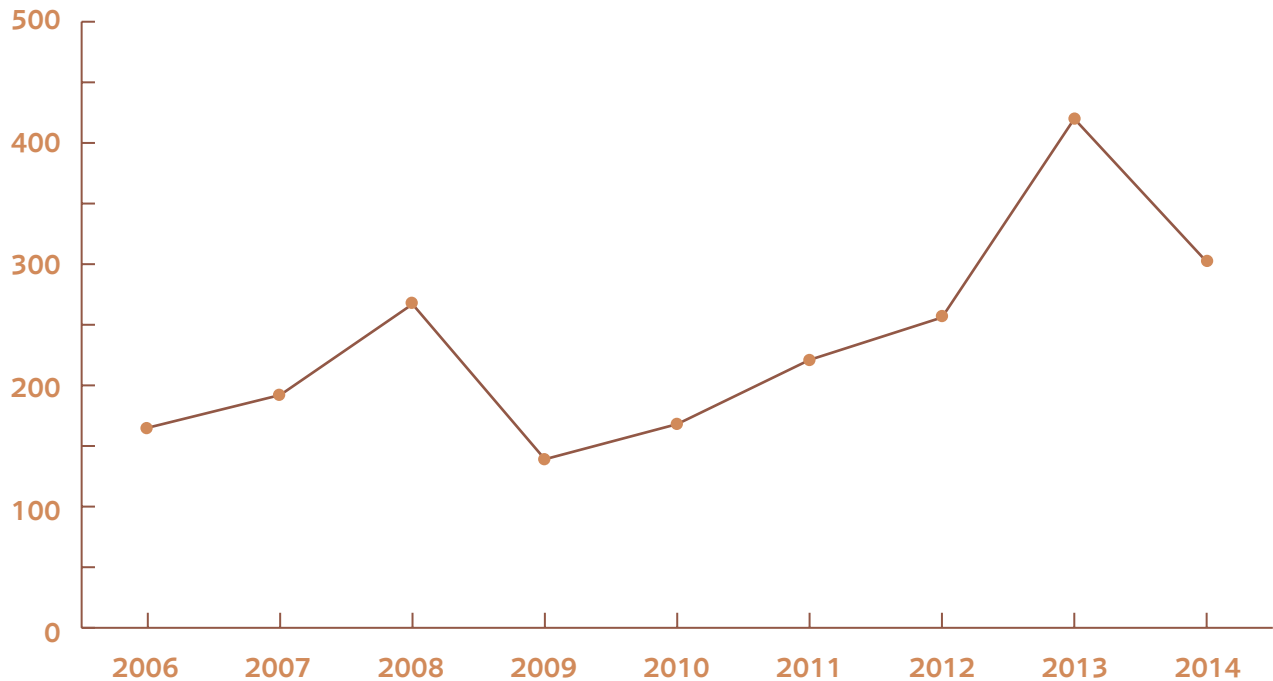
Unknown to animal protection groups and others at the time, following publication of the 2005 Notice, USDA inspection personnel began conducting verification procedures for GCP. It also began issuing official Noncompliance Records for observed instances of noncompliance with GCP standards, despite the fact that GCP standards had not been codified in regulation and compliance with the standards was (and remains) strictly voluntary. In December 2007, assessment of GCP was added to the USDA Directive (6100.3) on antemortem and postmortem inspection of poultry.

In 2011 AWI became aware that the USDA was citing violations of poultry good handling practices, and in 2012 the animal protection group Farm Sanctuary started submitting Freedom of Information Act (FOIA) requests for USDA records related to the humane handling of poultry. To date, Farm Sanctuary and AWI have requested all records dating from the initiation of GCP oversight in January 2006 through December 2015. This report summarizes the content of the records received in response to those requests.

Figure 2 shows the number of GCP records issued by the USDA to individual poultry slaughter plants each year from 2006 through 2014, according to documents received through FOIA.

The average number of records issued per year for the nine-year period was 237, or less than one record for each of the 300 federally inspected US poultry slaughter plants. The number of records is extremely low, particularly given the high volume of poultry slaughter in the United States. Consequently, AWI views GCP records as a completely unreliable measure of the humaneness of poultry slaughter. This position is supported by the finding that nearly 40% of US poultry slaughter plants were issued no records related to the humane treatment of birds

Figure 2. Number of GCP Poultry Slaughter Records Generated by USDA 2006–2014



from 2011 through 2014 (Figure 3), during which time some of these plants slaughtered millions of birds. On the other hand, six plants were issued more than 25 records each, illustrating the inconsistency in which the USDA is monitoring the humane handling of birds at slaughter. The haphazard manner in which the USDA administers GCP is not surprising, given that the standards for inspection are intended merely as guidance, meaning that compliance on the part of the industry is merely voluntary.

In the summer of 2008, the USDA’s District Veterinary Medical Specialists (DVMS) underwent training on poultry handling, and in 2009 they began conducting periodic GCP correlation visits at federal poultry plants. The USDA Directive (6910.1, rev. 1) on DVMS work methods was revised in December 2009 to include activities related to poultry GCP. The Directive explains that, as a general rule, a DVMS is to conduct a GCP correlation visit every 12 to 18 months at each slaughter plant that handles live birds.

Figure 3. GCP Records per Poultry Slaughter Plant 2011–2014

Number of Enforcement Records	Number of Plants	Percentage of Plants
0	115	38.3
1	40	13.3
2	34	11.3
3–5	49	16.4
6–10	37	12.3
11–15	10	3.3
16–25	9	3.0
25+	6	2.0

Figure 4. Good Commercial Practice Audits by DVMS at Poultry Slaughter Plants 2011–2014

Number of Audits	Number of Plants	Percentage of Plants
0	199	66.3
1	79	26.3
2	20	6.7
3	2	0.7

The USDA is far from meeting that modest goal, however. AWI has researched the number of DVMS poultry handling audits between 2011 and 2014, during which time, according to the USDA Directive, each plant should have been audited two or three times. AWI found that only 7% of federal poultry plants were audited that often, and two-thirds of plants were not audited at all during the time period (see Figure 4).

On the basis that 1) a majority of poultry plants received no audits on bird handling by a veterinary specialist during a recent four-year period, and 2) a large percentage of plants were not issued any records related to bird handling during that time, AWI has concluded that the USDA is not serious about preventing mistreatment of birds at slaughter, and it created the GCP oversight program merely to dampen public and congressional concerns.

Moreover, the USDA has for years misrepresented its oversight of animal handling at poultry slaughter plants. For example, in a 2009 letter to members of Congress, the USDA stated that poultry should be treated humanely in accordance with GCP, and that its inspection personnel “are authorized and expected to stop production if they witness any violations.” However, AWI’s review of GCP records failed to uncover instances of USDA personnel stopping production

due to the mistreatment of an individual bird. In another example, a USDA spokesperson told the *Los Angeles Times* in June 2015 that agency personnel enforce “good commercial practices,” which includes ensuring that birds are rendered senseless to pain before slaughter. However, of the more than 2,000 enforcement records reviewed by AWI, less than a half dozen mentioned bird insensibility.

In 2013, AWI requested that the USDA post GCP records on its website, and the agency agreed. At that time, the USDA recognized that it needed to address inconsistencies in the creation of the records, in particular the use of Noncompliance Records to document nonregulatory issues. In January 2015, the USDA issued a Notice to inspection personnel, providing instructions for writing poultry GCP Noncompliance Records (regulatory GCP violations) and Memorandums of Interview letters (nonregulatory GCP violations) for poultry mistreatment.

The 2015 Notice clarifies that Noncompliance Records are to be issued only for situations where the poultry plant has lost control of its process for handling birds, illustrating the USDA view of poultry handling as a process control issue, and not an individual bird handling issue. **In other words, mistreatment of single birds or small numbers of birds—whether it be workers intentionally punching and kicking birds or birds drowning in the scalding tank—is not a regulatory violation, and therefore cannot be documented on Noncompliance Records.** In order for a regulatory noncompliance to be documented, it must involve “numerous or repeated instances of the problem,” according to the Notice.

The 2015 Notice expired on February 1, 2016. As of press time, the content of the Notice has not been incorporated into any USDA Directive, and GCP records are not being posted on the USDA website.

USDA Records Indicate a Need for Regulation

AWI has organized the GCP records received from the USDA by type of violation. The most common violations are birds drowning in the scald tank and improper disposal of live birds (see Figure 5). Many of the GCP incidents reported by the USDA involved more than one bird; in some cases hundreds, or even thousands, were affected. The types of violations typically involving the largest numbers of birds are high dead-on-arrival (DOA) rates and mechanical problems resulting in injury or death.

Below are examples of the different types of GCP violations. Each of the incidents described in the examples resulted in serious animal suffering. Yet, under current USDA regulations, no enforcement actions are possible in any of these situations, except for birds drowning in the scald tank, and only when large groups of birds are involved.

Examples of Violations

Birds Drowning in the Scald Tank

- ✎ 37 birds drowned in the scald tank within 25 minutes due to improper functioning of the kill blade (Foster Farms [P157], 6/30/2011)
- ✎ 12 birds were removed just prior to entering the scald tank; at least 47 birds drowned in the scald tank before USDA intervention (House of Raeford Farms [P737], 7/25/2013)
- ✎ 15 cadaver birds per minute were observed on one line (OK Foods [P165S], 5/8/2014)
- ✎ 63 cadaver birds were observed, most likely from inadequate neck cutting (Pilgrim's Pride [P17500], 8/4/2014)
- ✎ Large number of birds drowned in the scald tank as a result of the increased speed of the line to compensate for another line being down (Pilgrim's Pride [P383], 4/8/2011)

Figure 5. Types of Good Commercial Practice Violations at Federal Plants 2011–2014

Type of GCP Violation	Number of Reports	%
Birds Drowning in the Scald Tank	433	32.0
Inadequate Shackling/Stunning/Cutting, Not Resulting in Birds Drowning in Scald Tank	187	13.9
Improper Sorting of DOAs and Live Birds	307	22.6
Excessive Number of DOAs/Inhumane Holding Conditions	67	5.0
Cages in Disrepair/Cage Unloading Problems	128	9.5
Improper Handling/Excessive Use of Force	112	8.3
Mechanical Problems Resulting in Injury/Death	117	8.7
Total	1351	100

- ✎ 101 cadaver birds were observed with no cut or insufficient cut (Pilgrim's Pride [P584], 8/18/2014)
- ✎ 183 cadaver birds entered the scald tank alive (Tyson Foods [P7478], 12/3/2012)
- ✎ 33 cadaver birds were observed in 17 minutes due to the lack of a back-up cutter (Tyson Foods [P7089], 3/8/2012)
- ✎ 54 cadaver birds were observed in 15-20 minutes (Pilgrim's Pride [P5787], 11/1/2012)

Inadequate Shackling/Stunning/Cutting

- ✎ Within five minutes, 115 birds had to be manually cut because the birds had been improperly shackled by only one leg (Case Farms of Ohio [P15724], 7/31/2013)
- ✎ Live birds were removed just before entering the scald tank; one bird had a cut across her face, slicing the lower beak (Case Farms of Ohio [P15724], 11/21/2014)
- ✎ 42 live birds were removed just before entering the scald tank; most had insufficient cuts (Case Farms Processing [P44826], 11/27/2013)
- ✎ 17 live birds with insufficient cuts were removed from the line before entering the scald tank (Norman W Fries [P6505], 8/23/2013)
- ✎ 8-10 insufficiently cut ducks were removed from the line before entering the scald tank (Pitman Farms [P27389], 11/11/2013)
- ✎ 41 live, uncut birds were removed from the line before entering the scald tank (Townsend's [P290], 5/8/2011)

Improper Sorting of DOA and Live Birds

- ✎ 15 live birds were found in the DOA pile, half buried beneath dead birds (Case Farms Processing [P44826], 1/3/2014)
- ✎ 25 live birds were on the floor with 40 dead birds and mud, feathers and fecal material (Mountaire Farms [P7470], 2/15/2014)

- ✎ Truck transporting turkeys crashed and most of the turkeys died; live birds were being thrown with dead birds into dumpsters (Norbest [P1049], 1/9/2012)
- ✎ 10-12 live birds were found with the DOAs (OK Foods [P165S], 3/8/2012)
- ✎ 15 live birds were buried in a pile of 30 carcasses (Perdue Farms [P19112], 11/15/2011)
- ✎ Over 100 live and dead birds were found mixed in a 6' x 10' pile (Pilgrim's Pride [P218], 6/18/2014)

Excessive Number of DOAs/Inhumane Holding Conditions

- ✎ Truck transporting cages had no side panels in 10°F weather; at least 90 birds were DOA (Amick Farms [P7927], 1/7/2014)
- ✎ Over the course of one night, 20 live birds were frozen to their cages, resulting in 26% DOAs (Case Farms Processing [P44826], 1/7/2014)
- ✎ Excessive piles of DOAs were observed throughout the live hang area; employees were forced to walk on the piles of living and dead birds; eight live birds were found in the piles; 11 full dumpsters of DOAs were removed from the live hang area (Claxton Poultry Farms [P6505], 7/13/2011)



- ✎ 500 DOAs were observed, probably due to long and hot transport (Jennie-O Turkey [P190], 6/27/2013)
- ✎ 870 turkeys were held in trucks for more than 50 hours without food or water and exposed to wind (PA Farm Products [P9965], 11/13/2013)
- ✎ Six trailer loads of birds were parked in the sun in 84°F temperature; the birds were exhibiting signs of heat stress (Pilgrim's Pride [P192], 8/2/2013)
- ✎ After cold and snow caused cancellation of slaughter, birds were left in the holding shed; the next day, 2,583 birds were dead, some frozen to the sides of their cage; on the following slaughter day, 7,298 DOAs were reported (Simmons Custom Processing [P689], 1/13/2014)
- ✎ Subfreezing temperatures and a four-day holding period resulted in a 5% DOA rate (Southern Hens [P17766], 2/1/2014)
- ✎ Birds in the holding area showed signs of heat stress due to high (100°F) temperature; large number of dying and dead birds were observed (Tecumseh Poultry [P20251], 6/29/2012)
- ✎ Diesel tank ruptured, spilling diesel on a truckload of birds; all 2,430 birds on the truck were euthanized (To-Ricos [P7374], 3/21/2013)
- ✎ 9.1% of cages were damaged, with bent wires and gaping holes (Pilgrim's Pride [P177], 9/15/2011)
- ✎ During unloading, a cage with 210 live birds dropped 8 feet on top of other live birds; many died from impact or suffocation (Tyson Foods [P112], 7/14/2014)
- ✎ 212 birds died when a broken cage door became lodged in the conveyor belt, causing birds to pile up and suffocate (Tyson Foods [P6651], 11/15/2013)

Improper Handling

- ✎ At postmortem inspection, at least half of the carcasses had significant damage: bruised or broken wings and legs, broken ribcages, and dislocated legs (Garner Abattoir [P10650], 6/7/2013)
- ✎ 8-10 birds in a span of 10 minutes were observed to have broken and dislocated wings; bruising and hemorrhaging suggested that the injuries had occurred when the birds were alive (Cargill Meat Solutions [P961], 12/14/2012)
- ✎ 45 ducks were observed with compound fractures, mostly broken wings (Maple Leaf Farms [P300], 12/23/2014)
- ✎ An excessive number of birds exhibited bruised and broken wings; at times greater than 20% of the birds entering the establishment had at least one compound wing fracture (Perdue Farms [P1243], 5/6/2012)
- ✎ Large number of carcasses were observed with wing and leg fractures and heavy bruising of the surrounding tissue (Pilgrim's Pride [P1284], 1/15/2011)

Cages in Disrepair/Cage Unloading Problems

- ✎ Many cages were observed with significant damage, including broken wires and large holes; several loose birds were observed running around (Mountaire Farms [P667], 5/17/2011)
- ✎ Loose birds were observed in the receiving and live hang areas; carcasses were observed that appeared to have been run over by a motor vehicle (Mountaire Farms [P667], 11/29/2011)
- ✎ Numerous damaged cages were observed; the leg of one bird was stuck in a cage hole and when the bird pulled his leg out it was lacerated down to the bone; the bird went into shock from blood loss (Peco Foods [P6504], 2/12/2013)

Mechanical Problems Resulting in Injury/Death

- ✎ 130 birds suffocated as a result of the live hang belt running at slower speed than the dump belt (BC Natural Chicken [P493], 2/28/2012)
- ✎ The line was stopped due to a malfunction, resulting in a majority of stunned birds regaining

consciousness; birds were hung upside down for more than one hour (Case Farms of Ohio [P15724], 10/9/2013)

- ✎ The stunning bath was not emptied when a slaughter line went down, resulting in 15 birds drowning in the stunner (Equity Group [P20322], 6/24/2014)
- ✎ 100 birds suffocated in a pile-up on the live hang belt (Foster Farms [P6137A], 10/30/2012)
- ✎ During a breakdown of the slaughter line, 40-50 birds were trapped in the water bath and died by either drowning or electrocution (Gold'n Plump Poultry [P322], 4/10/2012)
- ✎ A large pile of birds was observed on the transfer to the live hang belt; 200 or more birds had suffocated (House of Raeford Farms [P510], 1/26/2012)
- ✎ 83 birds died due to a malfunction of the conveyor belt (Mar-Jac Poultry [P1307], 1/27/2014)
- ✎ 190 birds suffocated due to an unexpected stoppage of the line (Pilgrim's Pride [P1284], 2/15/2012)
- ✎ 132 live birds entered the scald tank due to a mechanical failure (Sanderson Farms [P40183], 10/3/2013)
- ✎ 100 chickens suffocated in a live hang belt pile-up (Tyson Foods [P7100], 7/25/2013)
- ✎ 400 live birds suffocated when DOAs blocked the transfer belt and live birds continued to be dumped onto the belt (Pilgrim's Pride [P5787], 10/14/2013)
- ✎ While the line was stopped, there was a pile-up on the conveyor belt and 150 birds suffocated (Wayne Farms [P7342], 12/23/2014)

Examples of Intentional Abuse by Workers

Included in the GCP records reviewed by AWI were many examples of intentional cruelty to birds by plant employees. Workers have been observed throwing,

kicking and punching birds on numerous occasions. As previously noted, according to the USDA, no enforcement actions are possible for intentional mistreatment unless large numbers of birds are involved.

- ✎ While catching birds for transport, a worker swung handfuls of birds back and forth to get momentum before throwing them into the coop (Case Farms of Ohio [P15724], 11/15/2013)
- ✎ A worker shoved a live bird into the shackle using a motion similar to throwing a basketball (Case Farms of Ohio [P15724], 7/30/2013)
- ✎ Workers threw 7-10 live birds against the wall in the live hang area (Case Farms Processing [P44826], 2/14/2013)
- ✎ A worker kicked three birds onto the conveyor belt (Columbia Farms [P1309], 11/3/2011)
- ✎ A worker was observed aggressively handling a bird by hitting the bird with a squeegee (Dayton Natural Meats [P9230], 11/3/2011)



The bodies of birds who drown in the scald tank turn bright red.

- ✎ A worker manually suffocated a struggling turkey (Empire Kosher Poultry [P1015], 11/22/2011)
- ✎ A worker was seen holding down birds on the conveyor belt and punching them with his fists (George's Processing, [P13369], 5/3/2013)
- ✎ A worker was seen twice picking up live birds by their legs and throwing them at empty shackles (George's Processing [P13369], 6/18/2013)
- ✎ A worker was seen picking up birds off the conveyor belt and throwing them down the line so he could bring the belt forward to fill the line with more birds; the worker did this four times (House of Raeford Farms [P510], 7/28/2011)
- ✎ A worker was seen picking up live birds from the ground and throwing them onto the conveyor belt; another worker was seen throwing a live chicken across the live hang room toward a floor drain (Koch Foods [P7487], 12/11/2013)
- ✎ A worker hung a live bird by the head in a shackle then pulled on the head to decapitate the bird; this happened on more than one occasion (Peco Foods [P6504], 10/3/2014)
- ✎ A worker was seen stepping on live birds (Pilgrim's [P855], 10/7/2014)
- ✎ A worker was observed yelling at and kicking live geese; one goose was picked up by the neck and thrown (Schiltz Foods [P242], 10/25/2012)
- ✎ A worker sprayed water from a hose on caged birds with no reason for birds to be sprayed (Tyson Foods [P17250], 5/29/2013)
- ✎ A worker was observed vigorously shaking cages to excite birds; a worker was observed kicking a bird into a cage (Tyson Foods [P758], 4/21/2014)
- ✎ A worker punched a chicken on the live hang belt, and then grabbed another chicken's head and twisted it until the beak pointed toward the ceiling (Tyson Foods [P7101], 2/27/2013)

Undercover Investigations Document a Need for Regulation

As noted previously, investigations by animal protection groups in the mid-2000s, which exposed serious mistreatment of birds at slaughter, prompted the USDA to encourage slaughter plants to comply with industry GCP for bird handling. Recently, animal protection groups have resumed undercover investigations that are documenting the same type of abuse uncovered a decade earlier, demonstrating that the USDA strategy of allowing the poultry industry to police itself has failed.

Video captured during the investigations suggests that intentional abuse of birds is common practice, at least at some slaughter establishments. There appears to be no correlation between the GCP record of slaughter plants and the behavior captured during the investigations. While some of the investigated plants have been cited by the USDA for similar offenses, others have had very few GCP citations.



Rough handling can result in birds becoming injured before slaughter.

The following investigations were conducted at chicken slaughter plants over a recent one-year period.

Tyson Foods (P758), Carthage, MS

October 2015

An undercover investigation conducted by Mercy For Animals (MFA) documented workers throwing, shoving and punching live birds during shackling. The heads of shackled birds were pulled off while alive.

Tyson Foods (P7044), Carthage, TX

September 2015

An undercover investigation conducted by the Animal Legal Defense Fund showed workers intentionally suffocating birds on the conveyor belt. Some birds were also crushed by machinery, and a belt malfunction caused the deaths of 200-300 birds.

Foster Farms (P6137A), Fresno, CA

June 2015

MFA conducted an undercover investigation that documented workers punching, throwing and beating birds during shackling. Workers also intentionally ripped feathers out of live birds "for fun."

Mountaire Farms (P7470), Robeson County, NC

April 2015

An undercover investigation by Compassion Over Killing showed workers aggressively punching, shoving and pushing shackled birds and intentionally ripping feathers out of birds. Workers also threw live birds into piles of dead birds.

Wayne Farms (P445), Dobson, NC

March 2015

MFA conducted an undercover investigation that showed an excessive number of DOA birds. Sick and injured birds, including some with broken bones, were shackled on the line for slaughter, and a worker intentionally suffocated a bird.

Butterfield Foods (P215), Butterfield, MN

January 2015

An undercover investigation by The Humane Society of the United States documented 45 live birds entering

the scald tank in less than 30 minutes. Workers jabbed metal hooks into transport cages to remove the birds, and sick and injured birds were thrown against the live hang wall or tossed into the trash.

**Koch Foods (P7487), Chattanooga, TN
November 2014**

MFA conducted an undercover investigation that showed workers violently throwing and kicking birds during catching. Some birds loaded for transport were caught in cage doors. At the slaughter plant, live birds were seen entering the scald tank.

Some poultry companies have suspended or fired workers shown on undercover video intentionally abusing birds. In addition, animal protection groups conducting the investigations typically request that slaughter plant personnel be prosecuted under state animal cruelty laws. Of the seven investigations described above, charges have been brought in only one: MFA's investigation of the Tyson plant in Carthage, MS, where a total of 33 animal cruelty charges were brought against seven plant workers.

To AWI's knowledge, this is the first time cruelty charges have been filed for mistreatment of animals at a poultry slaughter establishment. In general, local law enforcement and prosecutors appear hesitant to pursue legal action for animal abuse occurring at an inspected slaughter establishment, perhaps in part because they view the treatment of birds at slaughter as falling under the authority of the state or federal department of agriculture. Moreover, five states exempt slaughter by "approved methods" from their cruelty laws, and an additional five states exempt slaughter in general. Prosecution of animal cruelty at poultry slaughter plants in the latter states is likely precluded.

The USDA claims that it refers incidents of intentional mistreatment of birds to state officials, and in fact AWI has reviewed GCP records that caution plant management that such action may be taken. Moreover, in response to a FOIA request, Farm Sanctuary received a half dozen Letters of Concerns issued by two USDA District Offices to individual poultry slaughter plants

that have had repeated GCP violations. These letters announce that the state veterinarian and state board of animal health will be notified of the situation described within the letter. It is not known why Farm Sanctuary received Letters of Concerns from only 2 of the 10 USDA District Offices, or whether any state agricultural agency has ever taken action against a slaughter establishment for mistreatment of birds.

USDA Records Demonstrate Ineffective Oversight

AWI's review of USDA records revealed that some poultry plants have been cited repeatedly for the same or similar violations of good animal handling practices. This is not surprising, given that USDA inspection personnel are not able to take any enforcement action for most of the violations. If government inspectors had been able to take strong enforcement action the first time a handling problem occurred, it is possible that the problem would not have reoccurred, and the animals involved in subsequent incidents would have been spared considerable pain and suffering.

Amick Farms (P7927)

Plant was cited on numerous occasions for incidents related to the unloading process and condition of the transport cages. On 4/4/2011, at least four birds were caught by their heads in cage doors; one died. On 4/15/2011, birds escaped through a broken cage door. On 4/17/2011, a severely damaged cage with an entire side detached was observed. On 5/6/2011, birds escaped again through a broken cage door. On 5/15/2011, one bird's leg was caught in the cage during unloading.

Case Farms (P44826)

Plant was repeatedly cited for large numbers of birds not cut by the automatic knife, on 6/6/2013, 6/10/2013, 6/13/2013, 6/18/2013, 6/20/2013, 6/24/2013, 7/2/2013, 7/8/2013 and 7/10/2013.

Case Farms (P15724)

Plant was repeatedly cited for workers throwing live birds into the DOA bin, on 9/26/2013, 10/22/2013, 10/24/2013, 11/11/2013, 11/28/2013 and 12/2/2013.

Equity Group (P20322)

Plant was cited on numerous occasions for incidents in which birds were killed or maimed by being caught in a space between the dumper belt and the live hang belt. On 10/7/2014, two birds were caught; one died. On 10/8/2014, four birds were caught in the same gap; one died. On 10/15/2014, two birds were caught; one

received breast lacerations. On 10/22/2014, one bird was caught by the leg in the side barrier of the live hang belt for more than 45 minutes. On 10/26/2014, one live bird was caught by the leg in the same location as the 10/22 incident; the leg was amputated during removal.

Kraft Global Foods (P9070)

Plant was cited for several incidents related to turkeys being left inverted on the line for an extended period of time due to a mechanical problem. On 8/5/2013, 32 live birds were left hanging for 47 minutes; one died and others were in respiratory distress; eight birds were in the stunner at the time of the line stoppage; all died. Two days later, on 8/7/2013, 40 live birds were left hanging for 55 minutes; four died and others exhibited respiratory distress; eight birds were in the stunner; all drowned. On 4/28/2014, 37 live turkeys were left shackled during a breakdown; one died. Two days later, on 4/30/2014, 40 live turkeys were left hanging during a power outage that lasted one hour; four died.

PA Farm Products (P9965)

Plant was cited for three incidents related to unloading and holding in less than one week. On 11/8/2013, turkeys were exposed to rain during unloading. On 11/12/2013, turkeys were exposed to wind overnight. On 11/13/2013, plant was cited for having held 870 turkeys on a truck for more than 50 hours without food or water.

Pilgrim's (P206)

Plant was cited for having an excessive number of birds with broken bones and bruising on 9/11/2013, 9/12/2013, 9/17/2013 and 10/16/2013.

Pilgrim's (P17340)

Plant was cited for one or more cadaver birds on multiple occasions: 10/12/2011, 10/18/2011, 10/27/2011, 11/10/2011, 11/11/2011, 12/1/2011, 12/15/2011, 12/21/2011, 12/23/2011, 1/3/2012, 1/6/2012, 1/17/2012, 2/6/2012 and 2/15/2012.

Tyson Farms (P477)

On 8/20/2013, an incident occurred in which more than 150 birds suffocated after the conveyor belt

broke down. The very next day, more than 200 birds suffocated when the belt broke again.

The Most Inhumane Slaughter Plants?

AWI has calculated the number of GCP records issued to each federal poultry plant during the four-year period studied (2011-2014). As noted previously, nearly 40% of all US federally inspected plants were issued no GCP records, despite the fact that they likely slaughtered millions of birds during this time. Since GCP are currently voluntary, it is possible that some of these plants received few, if any, audits of bird handling. Consequently, it is not known whether receiving a large number of GCP-related citations reflects poor bird handling practices or the presence of conscientious inspection personnel, or some combination of the two.

Figure 6 lists the plants that were issued the highest number of GCP records for the period 2011 through 2014. Two Case Farms plants located in the state of Ohio received, by far, the most citations. While records from most of the plants on the list depict issues with one or two areas of bird handling, records from the Case Farms plants demonstrate problems with nearly all aspects of handling. The fact that these plants were cited repeatedly for GCP violations illustrates the failure of the USDA’s current oversight strategy. Since no consequences have resulted—other than issuance of Noncompliance Records or Memorandums of Interview—these plants have had no incentive to alter their behavior and treat birds more humanely.

Figure 6. Poultry Slaughter Plants with the Most GCP Records

Company Name	Plant Number	Plant Location	Number of GCP Records (2011-2014)
Case Farms Processing	P44826	Canton, OH	79
Case Farms of Ohio	P15724	Winesburg, OH	68
Pilgrim’s Pride	P17340	Hickory, KY	41
Pilgrim’s Pride	P218	Lufkin, TX	33
Pilgrim’s Pride	P1353	Chattanooga, TN	28
Amick Farms	P7927	Hurlock, DE	26
OK Foods	P165H	Heavener, OK	25
Tyson Foods	P758	Carthage, MS	23
Tyson Foods	P7044	Carthage, TX	22
Sanderson Farms	P40183	Kinston, NC	22

Poultry Industry Misrepresents USDA Oversight

The US poultry industry promotes the view that the USDA actively enforces humane slaughter practices for poultry, while simultaneously arguing that the USDA lacks the authority to regulate humane slaughter of birds.

Following are examples of inaccurate—and in some cases, contradictory—statements by leaders of the poultry industry regarding the USDA's authority to regulate the humaneness of slaughter and stop the mistreatment of birds.

Claim: The USDA regularly takes enforcement actions to ensure humane handling

Industry Statements

"FSIS inspectors and plant personnel continuously monitor activities in slaughter establishments ensuring that humane slaughter practices are followed."

Tom Super, vice president of communications
National Chicken Council
(Dec. 17, 2013, NCC press statement)

"By law, the Agriculture Department provides around-the-clock, on-site inspectors who can take enforcement action for mistreatment if spotted."

John Starkey, president
US Poultry & Egg Association
(Mar. 25, 2015, USA Today)

"USDA inspectors are on site. If they see abuse they have authority to stop things."

Robert Ford, executive director
North Carolina Poultry Federation
(Mar. 16, 2015, Raleigh [NC] News Observer)

Fact

Current USDA regulations do not allow inspectors to take enforcement action in response to inhumane handling of individual birds. Consistent with this, the 2015 USDA Notice on poultry GCP states that mistreatment of "only single or small numbers of birds" does not constitute a noncompliance with FSIS regulations.

Claim: The USDA regulates humane handling **Industry Statements**

"FSIS has guidelines and directives setting humane slaughter requirements under the Poultry Products Inspection Act. To the extent the extreme, exceedingly rare, and likely exaggerated examples of employee misbehavior cited in the petition [submitted by AWI and Farm Sanctuary] actually occur, they likely violate existing FSIS regulations."

Tom Super, vice president of communications
National Chicken Council
(Dec. 17, 2013, NCC press statement)

"Humane slaughter is important to our industry, and we are governed by requirements under the Poultry Products Inspection Act."

John Starkey, president
US Poultry & Egg Association
(Mar. 25, 2015, USA Today)

The U.S. Department of Agriculture inspects slaughterhouses and sets humane slaughter requirements under the Poultry Products Inspection Act.

Robert Ford, executive director
North Carolina Poultry Federation
(Mar. 16, 2015, Raleigh [NC] News Observer)

Fact

The USDA has acknowledged that its regulations contain no humane handling requirements for individual birds. Regulation 9 CFR 381.65(b), which prohibits live birds from drowning in the scald tank, has been interpreted by the USDA to only apply to large groups of birds entering the tank while still breathing, which would indicate that the slaughter system is out of control. Regulation 9 CFR 381.90 requires that carcasses showing evidence of the bird having died from causes other than slaughter be condemned; however, this section does not prohibit worker behavior that can result in the death of a bird. According to the 2015 Notice, adherence to GCP is "a process control issue and not a bird-by-bird performance standard issue." Therefore, not one USDA regulation currently requires that individual birds be handled humanely.



Slaughter lines operate at such high speeds that workers cannot catch all the birds who are inadequately cut. The ones they miss drown in the scald tank.

Claim: The USDA does not have authority to regulate humane handling

Industry Statement

“The Poultry Products Inspection Act does not grant FSIS authority to regulate issues that do not affect food safety, wholesomeness or labeling, and, contrary to its allegations, nowhere in this petition [submitted by AWI and Farm Sanctuary] is there a genuine link between humane handling of chicken and food safety.”

Tom Super, vice president of communications
National Chicken Council
(Dec. 17, 2013, NCC press statement)

Fact

In two statements within the same press release, the National Chicken Council asserts that the FSIS does regulate humane handling (and therefore problems of mishandling and abuse are kept in check) and that the FSIS has no authority to regulate humane handling. The rulemaking petition submitted by AWI and Farm Sanctuary makes the case that the USDA has authority to regulate handling of birds that has the potential to result in adulteration of poultry products. The poultry industry itself has frequently acknowledged the connection between live animal handling and meat quality.

Recommendations

Based on its research into the welfare of birds at slaughter in the United States, the Animal Welfare Institute offers the following recommendations:

- ↘ **The USDA should promulgate regulations requiring humane handling of birds to decrease the adulteration of poultry products.** Such regulations should address worker training, holding times and conditions in holding areas, maintenance of transport crates, removal of birds from crates, shackling of birds, treatment of sick and injured birds, and measures to prevent live birds from entering the scald tank.
- ↘ **The USDA should implement a reporting system for humane handling of poultry similar to its Humane Activities Tracking System for the slaughter of mammals.** The USDA should also significantly increase its verification audits for the humane handling of poultry by District Veterinary Medical Specialists.
- ↘ **The USDA should post online records related to noncompliance with poultry humane handling requirements.**
- ↘ **The USDA should refer incidents involving intentional abuse of birds at slaughter for prosecution under state animal cruelty laws.** The USDA should release any evidence in its possession that could assist in the prosecution of individuals and companies participating in cruel acts.
- ↘ **The US Congress should pass legislation requiring that all birds killed for food be rendered insensible to pain prior to slaughter.** Congress should direct the USDA to enact regulations to require methods of stunning determined by scientific studies to render birds insensible to pain with a minimum of distress.
- ↘ **The poultry industry should share any available research demonstrating that electrical stunning, as commonly practiced in the United States, effectively renders birds insensible to pain prior to slaughter.** If such research does not exist, the industry should commission scientifically valid studies to determine the impact of low-current electrical stunning on bird sensibility. Most importantly, if research demonstrates that the low-current approach is ineffective, then the industry must change its practice.
- ↘ **Third-party animal welfare certification programs should require—or at a minimum, strongly recommend—that producers use stunning methods that avoid conscious shackling and cause a minimum of distress to birds.** For producers employing electrical stunning, third-party certification programs should require that producers provide evidence of the use of adequate electric current levels to render birds insensible to pain.



Animal Welfare
Institute

www.awionline.org