Humane Slaughter Enforcement

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Overview

- Policy
- Responses to Agency
Prevention

• Animal welfare culture
  – Training, policies displayed

• Prevent handling issues
  – Clear policies on driving tools
  – Train employees using Institute video
  – Insist on quiet handling, no bad language
Prevention Is Key

• Stunning most likely issue
  – Rock solid stunning program
  – Maintenance program
  – Backup stunner (s)
  – Careful storage of cartridges
  – Chuck Bildstein on speed dial
Conscious vs. Unconscious

The latest research by Terlouw (2016) confirms that consciousness and unconsciousness occur on a continuum that essentially has three phases: definitely conscious, definitely unconscious and the transition phase.

- **If any one of the following signs are present, the animal is conscious and should be re-stunned immediately:**
  - No loss of posture/animal standing
  - Righting reflex on the rail
  - Vocalization
  - Spontaneous, unprovoked blinking
  - Menace reflex that occurs when a hand is waved in front of the eye without touching
  - Eye pursuit a moving object

- **If all of the following signs are absent, the animal is unconscious:**
  - Corneal reflex
  - Eyelash reflex to touch
  - Rhythmic breathing where the ribs move in and out at least twice.

- **The presence of one or more of the three signs above** indicates that an animal is in the transition phase and may soon become conscious. When a prompt, second stun is administered, a return to consciousness can be prevented, which also prevents a violation of humane slaughter rules.
Agency Policy on Sensibility

From a letter granting appeals in 2016:

“It is the Agency’s policy that if an animal returns to consciousness post stunning, it would be considered an egregious event. However, if the animal is not fully conscious but either showing signs of returning to consciousness, or sinking deeper into unconsciousness in the process of dying, it would not be considered a non-compliance at that point. We would expect the plant to assess these animals and take action based on that assessment in order to prevent the animal from returning to consciousness.”
PHV Refresher Training

• FSIS Constituent Update
  – September 15, 2017

• Consciousness and stunning
Definitions

**Stunning Attempt:** Application of one of the four methods of stunning with the intent to render the animal unconscious

**Effective Stun:** Successfully making an animal unconscious throughout shackling, sticking, and bleeding
Security Stun/Knock: An additional stunning action applied after the effective stun renders the animal unconscious

- It is applied at the discretion of the plant
- It is also sometimes called a Safety Stun, Assurance Stun, or Double Stun
Immediate, Effective Corrective Action

- Not defined by a specific elapsed time
- Timely and effective in rendering the animal unconscious
- Consider access to animal, animal movement, adequate placement of stunning device
PHV Refresher Training

Unconscious Animals

An unconscious animal may display the following signs

- Rhythmic breathing
- Eye reflex in response to mechanical (touch) stimulus
- Spontaneous natural eye blinks without touching the eye or eye area (in isolated cases)
Unconscious Animals

Observations of these signs should **not automatically** result in taking a regulatory control action.

- These should trigger further evaluation to determine if the animal is conscious.
- These signs need to be carefully assessed and interpreted, as they are indications that the animal *may* be regaining consciousness or that the stunning was ineffective.
- They are not, in and of themselves, a definitive determination that the animal is conscious and able to feel pain.
What This Means For a Plant

• Prompt second stuns of an animal that is not fully conscious
• Training is critical
• Robust systematic approach
6900.2: Robust Systematic Approach

1. **Conduct an initial assessment** of where, and under what circumstances, livestock may experience excitement, discomfort, or accidental injury while being handled in connection with slaughter, and of where, and under what circumstances, stunning problems may occur;

2. **Design facilities and implement practices** that will minimize excitement, discomfort, and accidental injury to livestock;

3. **Evaluate periodically** the handling methods the establishment employs to ensure that those methods minimize excitement, discomfort, or accidental injury and evaluate those stunning methods periodically to ensure that all livestock are rendered insensible to pain by a single blow; and

4. **Respond to the evaluations, as appropriate**, by addressing problems immediately and by improving those practices and modifying facilities when necessary to minimize excitement, discomfort, and accidental injury to livestock.
Assessing ‘Robustness’

• FSIS Notice 04-17, issued January 12, 2017
  – Assessment and Verification Reviews of an Official Livestock Establishment’s Robust Systematic Approach Plan for Humane Handling and Slaughter
  – Monthly verification review tasks performed by PHVs
    • Feedback provided during weekly meetings
    • Discussion documented in MOI
  – Establishment can request reinstatement
The Benefits of Being ‘Robust’

• Can help prevent problems
• Provides documentation of your efforts
• Regulatory discretion
• NOIE instead of Suspension for egregious event
Inhumane Handling by Non-Employees

- Inhumane handling of livestock in connection with slaughter by persons not employed by the official establishment
  - January 24, 2017
  - Implementation date unknown at this time
Regulatory Reform

• Executive Order 13777: Enforcing the Regulatory Reform Agenda
  – Regulatory Reform Task Forces
    • Identify rules that:
      – Eliminate jobs or inhibit job creation
      – Are outdated, unnecessary, or ineffective
      – Impose costs that exceed benefits
      – Create inconsistencies or interfere with regulatory reform initiatives
  – USDA and FDA Task Forces
Questions?
RESPONDING TO NRS, MOIS, NOIES, SUSPENSIONS
Read the Document Multiple Times

• Read it once
• Take a deep breath
• Read it again
• Discuss with appropriate team members
• Make notes on errors, omissions
  – Pay special attention to opinion vs. fact
Documenting Errors

• Correct any mistakes in writing
  – Pay attention to all areas of the document, including Block 6
• Enforcement actions can be linked
• Errors must be addressed promptly
What to Include In Responses

• Plan for remedy...
  – Training – *summary, acknowledgement*
  – Personnel changes
  – Equipment changes -- *photos*
  – New procedures – *include documentation*

• Your enforcement history, if positive
Back and Forth Normal With NOIEs, Suspensions

- Expect the District to ask additional questions
- Respond promptly with additional information and clarification
- *This is normal.*
- Back and forth can be minimized by:
  - Including proposed dates for action not yet done
  - Including all referenced documents and programs
Appealing After Abeyance

• Can appeal after responding and getting NOIE or suspension in abeyance

• Explain why...
  – "Full operation was our key priority, but upon further consideration, we thought it appropriate to appeal"
  – Avoid long delays
    • Six months
What to Include In Appeals

- Photos
- Videos
- Time between first stun and final effective stun
- Statements from any personnel involved, when helpful
- Do not apologize or express regret for failure
  - Instead, “we regret the agency found it necessary...”
Choose Your Language Carefully

• *This*: The animal was unconscious
• *Or this*: It was clear that the animal was unconscious based upon the absence of rhythmic breathing, no righting reflex, no corneal reflex, tongue hanging straight out, etc.
Disputing Statements

• Gather video, take photos
• Include statements from employees
• Analyze the head after a failed captive bolt
  – Photograph point of entry
  – Split skull and photograph the path/depth of bolt
Review NRs Issued In Detail

• Appeal informally or formally (discuss strategies), anytime irrelevant or repetitive citations are listed in block 6 of the NR.

• Address any inaccuracies, opinion, subjective information, or irrelevant information in block 10 narrative through appeal process.
Seek Outside Input

• Call Meat Institute
• Disclose all facts, enforcement history up front
• When more help needed (i.e., boots on the ground), call consultants – MI staff can help you connect
Writing Your Appeals

• Be firm, but respectful – stick to the facts!
• When you reference agency policy, quote it
• Be organized
  – Explain
  – Use subheads for various key points/arguments
  – Summarize your messages at the end
  – Attach all supporting documents
  – Attach entire appeal history as it moves up the chain
• Do not use the appeal process as complaint vehicle, that is a different process – see FSIS Directive 4735.7
Where to Send Responses and Appeals

• Appeals should be written
• Follow FSIS chain of command
  – May start with the author or first level supervisor
• Use FSIS appeal compliance guide
  – [Link to FSIS appeal compliance guide]
  – Provides normally expected timelines
  – Provides appropriate chain of command to follow
  – Sets standards applied by FSIS for agency personnel
• Be sure to have the mailing address of the Frontline Supervisor and District Office on hand
• Use your NAMI Regulatory Services Staff for assistance!