August 15, 2018

Dr. William Shaw
Risk, Innovations and Management
Food Safety and Inspection Service
U.S. Department of Agriculture
1400 Independence Avenue, SW
Patriot Plaza III, Room D27
Washington, DC 20250-3700

Dear Dr. Shaw,

Compassion Over Killing submits this letter in support of the joint letters sent on July 31 by a coalition of twelve worker and consumer safety groups in opposition to line speed waiver requests by four poultry slaughter plants. Peco Foods plant P45483, Gerber Poultry plant P20604, Ozark Mountain plant P46096, and Pilgrim’s Pride plant P1201 have applied for waivers to 9 CFR 381.69(a), which would allow them to increase their slaughter speed to up 175 birds per minute. We strongly urge FSIS to deny these waiver requests. These requests would result in a deleterious impact on animals and would violate FSIS regulations and the Administrative Procedure Act.

A. Granting Waiver Requests Would Increasing Lead to Enormous Animal Suffering and Inhumane Slaughter

Numerous investigations, whistleblower reports, and FSIS’s own records have shown that increased poultry slaughter line speeds result in rampant animal suffering and inhumane slaughter. COK’s 2015 investigation inside a Mountaire Farms slaughterhouse in North Carolina (P7470) found numerous welfare issues as workers struggled to keep up with the line speed.¹ Live birds were tossed into piles with the dead since workers only had time to perform split-second checks. These birds were then crushed by other birds, live and dead, thrown on top of them. To save time, birds who had fallen off the conveyor belt were thrown across the room instead of being carried back. During the shackling process, birds were thrown into the shackles, some falling back onto the belt or onto the floor and others caught in the shackles by their heads or only by one leg – leading to many birds missing the throat cutting blade and entering the scalding tank alive. Because the workers rushed to keep up with the fast-paced shackling

process, they did not have time to correct these errors. And yet the line speed at Mountaire was only operating at approximately 140 birds per minute – twenty percent slower than what the four plants are asking for.

Other investigations have uncovered similar problems resulting from fast line speeds. Investigations inside Butterfield Foods (P215), Foster Farms (P5137A), and Tyson Foods (P7044) documented numerous birds entering the scalding tank alive, birds being slammed into shackles, birds being improperly shackled, and dead birds being hung for slaughter and processing. FSIS’s own non-compliance records show the same issues inherent in high-speed slaughter – birds being scalded alive, birds being improperly shackled, and birds suffering dislocated legs and broken wings. Undoubtedly, such problems are only exacerbated when plants increase line speeds.

B. Granting Waiver Requests Would Be Unlawful

In addition to the serious animal welfare concerns that the waiver requests raise, they also do not satisfy the Poultry Products Inspection Act waiver criteria under 9 CFR § 381.3(b). For waivers to be valid, they must only (1) apply for a limited time period; (2) be in the wake of a public health emergency or new experimentation; and (3) facilitate definite improvements. None of these criteria would be met by approving line speed waivers. Furthermore, granting such waivers would be arbitrary and capricious under 5 U.S.C. § 706(2). FSIS already considered industry requests to increase line speeds in 2014 and offered a comprehensive discussion of why further information would be needed before increasing line speeds. Since then, no relevant new data has been provided. If FSIS chooses to grant these waiver requests, it would be undermining its previous conclusion.

C. Conclusion

In addition to the negative impacts on the safety and health of workers and consumers outlined in the joint comments from July 31, granting these four waiver requests would also result in

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5 See, e.g., MOI # CNC 0022023415N-1; MOI # XWN1520083016G.
increased animal suffering and inhumane slaughter and would be unlawful. FSIS has the responsibility to provide meaningful slaughterhouse regulation and prevent animal suffering. We urge you to reject these four waiver requests.

Sincerely,

Irina Anta

Irina Anta
Counsel
Compassion Over Killing