



P.O. Box 9773, Washington, DC 20016

October 1, 2019

Dr. Mindy Brashears
Deputy Under Secretary for Food Safety
United States Department of Agriculture
Rm. 210-W, Jamie L. Whitten Building
12th Street and Jefferson Drive SW
Washington, DC 20250

Dear Dr. Brashears,

On behalf of Compassion Over Killing (“COK”), I am writing to follow up on COK’s request from December 2018 that the Food Safety and Inspection Service revoke the slaughter line speed waiver for Amick Farms (P-7927) (“Amick”).

Amick is one of the twenty young poultry slaughter plants that were part of the original pilot program allowing for reduced inspection and increased line speeds, the HACCP-based Inspection Models Project (“HIMP”).¹ In September 2018, after the transition to the New Poultry Inspection System (“NPIS”), the agency announced that Amick and the other nineteen former chicken HIMP plants would be required to meet new criteria in order to continue running their slaughter lines at an increased speed of 175 birds per minute (“bpm”).² One such criterion is compliance with good commercial practices (“GCPs”). If Amick or any other poultry plant “is unable to meet any of the criteria within 120 days,” then “FSIS may revoke its line speed waiver.”³

¹ USDA, FSIS, *HACCP-Based Inspection Models Project* (Mar. 24, 2015), <https://www.fsis.usda.gov/wps/portal/fsis/topics/regulatory-compliance/haccp/haccp-based-inspection-models-project/history-HIMP>.

² *Petition to Permit Waivers of Maximum Line Speeds for Young Chicken Establishments Operating Under the New Poultry Inspection System; Criteria for Consideration of Waiver Requests for Young Chicken Establishments to Operate at Line Speeds of Up to 175 Birds per Minute*, 83 Fed. Reg. 49,048 (Sept. 28, 2018).

³ *Id.* at 49,052.

Amick has a long and continuous history of violating GCPs, as the agency’s own records and a recent investigation by COK both show. In 2018, a COK investigator was employed at Amick and documented the plant’s consistent failure to slaughter poultry “humanely” and “in accordance with good commercial practices.”⁴ (COK notified the agency and provided documentary evidence of its investigation on October 24, 2018.⁵) Specifically, COK’s investigation showed birds being punched, shoved, and thrown on the slaughter line, as well as slowly drowning in electrified stunning baths during equipment break-downs.⁶ COK also obtained evidence that birds were scalded alive in vats of hot water.⁷ Following COK’s investigation, Amick’s president acknowledged that these actions were “clear violations of [its] animal welfare policies.”⁸

COK’s investigation was far from the first time that Amick had failed to follow GCPs. In May 2018, a federal inspector issued a noncompliance report to Amick after seeing employees picking up birds by wings and tossing them in the air.⁹ In addition, on at least two other occasions in recent years, Amick received Memoranda of Interviews for “humane handling noncompliance and violation of NCC guidelines.”¹⁰ Yet despite those repeated warnings by the agency, Amick still has failed to correct its violations of GCPs.

In analogous circumstances, the agency recently revoked the line speed waiver of Claxton Poultry Farms (“Claxton”)—another one of the original 20 HIMP plants—after Claxton failed to meet the agency’s *salmonella* performance standards.¹¹ Claxton apparently asked to reduce its line speeds temporarily to “minimize potential animal

⁴ See *Treatment of Live Poultry Before Slaughter*, 70 Fed. Reg. 56,624, 56,624–25 (Sept. 28, 2005).

⁵ See Letter from Keith Jamieson, Counsel, COK to Larry Hortert, Regional Director, U.S. Department of Agriculture, Food Safety & Inspection Service, Office of Investigation, Enforcement, & Audit, Southeast Region (Oct. 24, 2018) (hereinafter “FSIS Addendum”).

⁶ COK, *Amick Farms: High-Speed Chicken Slaughterhouse Exposed* (Nov. 16, 2018), <http://cok.net/inv/amick/>.

⁷ *Id.*

⁸ Justin Wm. Moyer, *Maryland chicken plant investigated after video shows alleged animal abuse*, Wash. Post, Nov. 16, 2018, https://www.washingtonpost.com/local/public-safety/maryland-chicken-plant-investigated-after-video-shows-alleged-animal-abuse/2018/11/16/48b61512-e91f-11e8-85cb-5d266381f5b4_story.html.

⁹ Amick Noncompliance Report (May 15, 2018), *attached as Ex. 1 to FSIS Addendum*.

¹⁰ Amick Memorandum of Interview (Sept. 6, 2016), *attached as Ex. 4 to FSIS Addendum*; *see also* Amick Memorandum of Interview (Apr. 8, 2016), *attached as Ex. 2 to FSIS Addendum*.

¹¹ Catherine Boudreau, *USDA Revokes a Poultry Plant’s Line-Speed*, Politico (Mar. 29, 2019), <https://www.politico.com/newsletters/morning-agriculture/2019/03/29/usda-revokes-a-poultry-plants-line-speed-waiver-564222>.

welfare issues.”¹² Like Claxton, Amick has a history of noncompliance and “animal welfare issues,” which show that the plant cannot meet the agency’s new criteria for a line speed waiver. In addition, Amick has shown an inability to demonstrate consistent process control—a requirement for participation in NPIS¹³— due to its frequent line breakdowns and hanging of dead birds for processing.¹⁴

In short, Amick grossly falls short of adhering to GCPs, and I reiterate COK’s request that the agency revoke Amick’s line speed waiver. I have reattached to this letter COK’s December 2018 memorandum to the agency, which outlined the findings from COK’s investigation and enclosed some of Amick’s previous citations for loss of process control and failure to follow GCPs.

Please notify me at your earliest convenience whether the agency intends to revoke the line speed waiver as COK has requested. I look forward to hearing from you.

Best regards,

A handwritten signature in black ink that reads "Will Lowrey". The signature is written in a cursive style and is positioned above the typed name.

Will Lowrey
Counsel
Compassion Over Killing

Enclosures

¹² *Id.*

¹³ See *Modernization of Poultry Slaughter Inspection*, 79 Fed. Reg. 49,566, 49,567 (Aug. 21, 2014).

¹⁴ See FSIS Addendum, *supra*, at 10; Amick Noncompliance Report, *supra*.