



# A FARMER'S LEGAL GUIDE TO HUMANE HANDLING REQUIREMENTS

2025







*This Guide is intended to provide general information and should not be construed as providing legal advice. It should not be cited or relied upon as legal authority. State laws vary, and the laws discussed in this factsheet may differ from state to state. For advice on how these issues might apply to your individual situation, consult an attorney.*

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# INTRODUCTION

It is no secret that the availability of processing is a major bottleneck to the expansion of local and sustainable meat and poultry products. Compliance with regulations, including humane handling requirements, can be a barrier to the ongoing success of a local plant that serves farmers and ranchers. It is important for farmers and local processors to work together to ensure the best possible approach to humane handling and compliance efforts. Farmers and ranchers, regardless of whether they are pursuing on-farm slaughter or working with a local plant, can improve their products and profits by encouraging and adopting humane slaughtering methods.<sup>1</sup>

For both small and very small plants and the farmers that use them, understanding and complying with the humane handling requirements for livestock and poultry ensures that farmers and ranchers will be able to have their products processed in a timely and humane manner. Humane handling violations can impact farmers' and ranchers' ability to access slaughter. Between June 22, 2023, and July 2, 2024, FSIS published 74 enforcement actions related to humane handling violations, and of those enforcement actions, 87% were related to stunning.<sup>2</sup> Most of these recent enforcement actions by FSIS were taken against small and very small plants and resulted in suspensions that then delayed farmers' and ranchers' slaughter dates.<sup>3</sup>

This guide includes a general overview of the humane handling legal requirements for businesses that slaughter animals for human consumption. There are several federal and state laws and USDA and State Departments of Agriculture rules that regulate humane handling and slaughter methods for livestock and poultry. This guide will cover the key humane handling requirements under federal law including the Humane Methods of Slaughter Act (HMSA), the Federal Meat Inspection Act (FMIA), and the Poultry Products Inspection Act (PPIA). It will also highlight that state meat inspection laws may vary slightly from these federal requirements. The guide also discusses "exemptions" to both state and federal requirements and what humane handling requirements are required for exempt facilities and farms.



The chart on the next page is a summary of each type of inspection this guide will cover.

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<sup>1</sup> [7 U.S.C. § 1901](#).

<sup>2</sup> See [Food Safety and Inspection Service, United States Department of Agriculture, Humane Handling Enforcement \(2024\)](#). Within enforcement actions related to stunning, 87% of those actions were from stunning violations of cattle or swine. Cattle and swine make up 52% and 35% of stunning-related enforcement actions respectively.

<sup>3</sup> See [Food Safety and Inspection Service, United States Department of Agriculture, Humane Handling Enforcement \(2024\)](#). Only 17% of enforcement actions related to stunning resulted in the issuance of a notice of intended enforcement ("NOIE"), instead of a suspension.

FSIS defines small plants as those with more than 10 employees less than 500 employees and very small plants as those with less than 10 employees or annual sales of \$2.5 million. [FSIS Directive 5300.1 Rev. 1, Managing the Establishment Profile in the Public Health Information System, 8 USDA FSIS \(October 19, 2016\)](#).



<u>Type of Plant Inspection</u>	<u>Who typically inspects this plant?</u>	<u>Where can I sell my products for this type of inspection?</u>	<u>What laws apply?</u>
<b>Federal Inspection</b>	FSIS inspector	Across state lines	Federal
<b>Talmadge Aiken Inspection</b>	State inspector and FSIS inspector	Across state lines	Federal
<b>Cooperative Interstate Shipment Inspection</b>	State inspector	Across state lines	Federal
<b>State Inspection</b>	State inspector	Only within the state the processor is located	State laws that usually are the same as the federal law with few differences
<b>Custom Exemption</b>	Occasionally a FSIS inspector and maybe a state inspector	Sales not allowed, but some state laws may allow for certain flexibility	Federal and maybe some additional state laws
<b>Poultry Exemption</b>	Occasionally a FSIS and/ or state inspector	Depends on the number of birds and where they are being sold. See the chart on this <a href="#">page</a> for more information.	Federal and/or state laws
<b>Retail Exemption</b>	Occasionally a FSIS inspector and maybe a state inspector	At that store, direct to consumer, or other similar methods of sales. Click <a href="#">here</a> for more information.	No slaughter occurs so not applicable for this guide, but other food safety laws apply.
<b>Voluntary Inspection (Exotic Animals like bison, buffalo, and deer)</b>	FSIS and/ or state inspector, maybe an FDA inspector	Across state lines	Federal and maybe some additional state laws

The purpose of this guide is to cover the legal requirements and issues for the humane handling of livestock and poultry at slaughter. It does not cover on-farm humane handling laws and best practices, the basic approaches to animal welfare, and the food safety, sanitation, and labeling requirements that meat and poultry processing plants must also comply with. Other types of businesses and farms that are not slaughter facilities may be required to comply with other humane handling laws and regulations that are not included in this guide.<sup>4</sup>

It is important for both farmers and ranchers and local meat processors to understand the requirements for humane slaughter that reduce animals' stress and suffering. Violations of these laws can also include fines, prison sentences, suspensions and closures of plants, seizure or condemnation of animals or products, loss of third-party certifications, and can even result in an individual or plant being barred from partaking in slaughter in the future.<sup>5</sup> This guide is meant to be a resource to ensure that humane handling compliance is a top priority for both farmers and processors in the sustainable and niche meat and poultry sectors. Compliance with these rules and laws can support the animal welfare priorities of your farm operation, maintain your farm's access to slaughter, and increase your profits and farm business's growth.

<sup>4</sup> See *People v. Santorsola*, 225 Cal.App.4th Supp. 12 (2014) (concluding that the FMIA requirements did not apply to livestock auctions and thus did not preempt state laws around humane handling of animals at those auctions).

<sup>5</sup> See 21 U.S.C. §§ [671](#), [673](#), [676](#) (providing examples of statutory authority for USDA to enforce humane handling requirements).



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# CHAPTER 1: HUMANE HANDLING LAWS AND REGULATIONS

## ***The Humane Methods of Slaughter Act***

The Humane Methods of Slaughter Act (HMSA) regulates how livestock are treated and handled for commercial slaughter.<sup>6</sup> Facilities either on or off the farm that slaughter livestock, which includes cattle, calves, horses, goats, mules, sheep, and swine, are required to comply with the HMSA.<sup>7</sup> Poultry, including chickens, ducks, and turkeys, are not covered by the HMSA.<sup>8</sup> While “exotic species,” such as bison, buffalo, elk, deer, antelope, yak, water buffalo, or reindeer, are also exempt from the HMSA, a plant could pursue voluntary inspection of these animals which would subject them to the same rules and regulations required by the HMSA.<sup>9</sup>

The HMSA has several goals which can benefit both farmers and ranchers and meat processing plant employees, including preventing inhumane suffering of livestock, ensuring safe working conditions in the processing plant, improving plant efficiency and economics, and producing a quality meat product.<sup>10</sup>

Under the HMSA, the slaughter of livestock can only occur by: 1) stunning via a single gunshot or single blow using “electrical, chemical or other means that is rapid and effective” (for example, captive bolt, single electrical stun, or carbon dioxide stunning) prior to the animal “being shackled, hoisted, thrown, cast, or cut”;<sup>11</sup> or 2) religious slaughter where the livestock loses consciousness from anemia via an instant severance of the carotid arteries in the neck via a knife or similar tool.<sup>12</sup>

The HMSA also gives USDA the authority to regulate the humane treatment and handling of nonambulatory or disabled livestock by market agencies, dealers, and stockyards.<sup>13</sup>

USDA has the authority to create regulations that describe how to comply with the HMSA, which are discussed in more detail below.

## ***The Federal Meat Inspection Act***

The Federal Meat Inspection Act (FMIA) prohibits the sale of unsafe, unsanitary, and misbranded meat and meat products.<sup>14</sup> The FMIA regulates cattle, sheep, swine, goats, and other livestock, but not poultry.<sup>15</sup> The FMIA gives FSIS the authority to inspect the animal handling and slaughter processes at federally inspected plants for compliance with

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<sup>6</sup> [Humane Methods of Slaughter Act, United States Department of Agriculture, National Agricultural Library.](#)

<sup>7</sup> [7 U.S.C. § 1902.](#) This guide does not cover the HMSA authority over the transportation of equine for slaughter and any legal issues related to the slaughter of equine.

<sup>8</sup> See *Levine v. Vilsack*, 587 F.3d 986 (2009); [Treatment of Live Poultry Before Slaughter, FEDERAL REGISTER \(Sept. 28, 2005\).](#)

<sup>9</sup> [9 C.F.R. §§ 352.10—352.13](#); see [7 U.S.C. § 1622](#); [FSIS Notice, Updates to the Exotic Animals Eligible for Voluntary Inspection, USDA FSIS \(October 19, 2021\).](#)

<sup>10</sup> [7 U.S.C. § 1901.](#)

<sup>11</sup> [7 U.S.C. § 1902\(a\)](#); [Humane Handling of Livestock and Good Commercial Practices in Poultry, USDA FSIS \(Aug. 2, 2018\).](#)

<sup>12</sup> [7 U.S.C. § 1902\(b\)](#); [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, 1-20 USDA FSIS \(Sept. 24, 2020\).](#)

<sup>13</sup> [7 U.S.C. § 1907.](#)

<sup>14</sup> [21 U.S.C. §§ 601—695.](#) It also ensures that meat and meat products are slaughtered and processed under strictly regulated sanitary conditions.

<sup>15</sup> See [21 U.S.C. § 601.](#)



the HMSA.<sup>16</sup> This guide will discuss the FMIA's provisions on the humane methods of slaughter; however, there are other sections of the FMIA, which focus on the safety and integrity of the products, that this guide will not cover.

Every FSIS inspected processing plant is assigned a federal inspector. An inspector must be present during slaughter operations and for each shift where further processing of meat products occurs.<sup>17</sup> It is important for farmers to understand that the inspector is not an employee of the processing plant, but instead a government employee. The rules apply to all federally inspected plants the same, but there may be some inspectors who make mistakes or interpret violations and compliance differently due to the flexibility in some of the regulations.

When it comes to humane handling requirements, inspectors must examine animals before they can be slaughtered (i.e., "ante-mortem inspection").<sup>18</sup> If there are visible signs that the animal is ill, injured, disabled, or showing symptoms of a disease, it must be separated from the rest of the animals so it can be examined more thoroughly.<sup>19</sup> The regulations and protocols from FSIS for pre-slaughter inspection and the separation of dying, diseased, or disabled animals is discussed in more detail in the next section. This is one area farmers can help with to ensure no violations occur and the separation process runs smoothly, if necessary. Farmers can also help by only transporting healthy animals that are fit for human consumption and transport.

After ante-mortem inspection, inspectors then examine the slaughter process to ensure compliance with all humane handling laws.<sup>20</sup> This is covered in more detail below.

There are processing plants, businesses, and farms that are exempt from federal inspection under the FMIA.<sup>21</sup> Exempt plants and businesses' humane handling obligations are discussed in Chapter 3.

State inspected plants must comply with federal requirements, and any nuances are mentioned at the end of this chapter.

### ***Humane Methods of Slaughter Regulations: How USDA Enforces the HMSA and FMIA***

USDA's written regulations for humane methods of livestock slaughter describe the requirements for complying with the HMSA and FMIA.<sup>22</sup> The moment animals arrive at the plant, even if they are still on trailers waiting to unload, they are the plant's responsibility and FSIS regulations apply.<sup>23</sup> This section does not cover humane handling requirements for the transportation of livestock, but it is mentioned briefly in Chapter 6 below. FSIS Notices, Directives, and Guidance on these topics provide important insight into how inspectors will enforce these regulations and are additional resources to read.

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<sup>16</sup> [21 U.S.C. § 603\(b\)](#); [21 U.S.C. § 610\(b\)](#).

<sup>17</sup> [21 U.S.C. § 604](#); [21 U.S.C. § 606](#); [9 C.F.R. § 310.1\(a\)](#); [9 C.F.R. § 307.4\(a\)](#); [Summary of Federal Inspection Requirements for Meat Products](#), USDA FSIS.

<sup>18</sup> [21 U.S.C. § 603\(a\)](#).

<sup>19</sup> [21 U.S.C. § 603\(a\)](#).

<sup>20</sup> [21 U.S.C. § 603\(b\)](#).

<sup>21</sup> [21 U.S.C. § 623](#).

<sup>22</sup> [21 U.S.C. § 1904](#).

<sup>23</sup> [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock](#), 5 USDA FSIS (Sept. 24, 2020). At this point, the Humane Methods of Slaughter Act (7 U.S.C. §§ [1901](#), [1902](#), and [1906](#)) applies; *Cooper v. Chicago, R.I. & P.R. Co.*, 217 F.2d 683, 686 (8th Cir. 1954).



## Inspection of the Animal Prior to Slaughter

### **I. Examination of Animals Prior to Slaughter**

Ante-mortem inspection occurs before slaughter.<sup>24</sup> Livestock for slaughter are inspected the day of and prior to their slaughter at the plant.<sup>25</sup> Exceptions to this rule may be approved for inspection on a day other than slaughter, but inspection must occur before the animals are slaughtered.<sup>26</sup>

Inspectors look for signs of disease, death, illness, disability, and certain other conditions (mentioned in the footnote below) in each animal during pre-slaughter or ante-mortem inspection.<sup>27</sup> Animals with certain diseases, illnesses, disabilities and other conditions at ante-mortem inspection may be condemned or labeled as “U.S. Suspect” and kept separate from other animals.<sup>28</sup>

“U.S. Suspect” animals must be tagged with “a serially numbered metal ear tag bearing the term ‘U.S. Suspect.’”<sup>29</sup> Each “U.S. Suspect” animal must be marked and only an inspector can remove a “U.S. Suspect” designation from the animal.<sup>30</sup>

“U.S. Suspect” animals must be separated and either disposed of or slaughtered separately from non-Suspect animals.<sup>31</sup> A special form must be kept for the animal that includes a description of the reason it was classified as U.S.

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<sup>24</sup> [21 U.S.C. § 603\(a\)](#).

<sup>25</sup> [9 C.F.R. § 309.1](#).

<sup>26</sup> [9 C.F.R. § 309.1\(a\)](#).

<sup>27</sup> [9 C.F.R. § 309.2](#); See [9 C.F.R. part 311](#) for a full list of all conditions, which includes tuberculosis, hog cholera, swine erysipelas, diamond-skin disease in hogs, arthritis, “cattle carcasses affected with anasarca or generalized edema,” actinomycosis and actinobacillosis, “anaplasmosis, anthrax, babesiosis, bacillary hemoglobinuria in cattle, blackleg, bluetongue, hemorrhagic septicemia, icterohematuria in sheep, infectious bovine rhinotracheitis, leptospirosis, malignant epizootic catarrh, strangles, purpura hemorrhagica, azoturia, infectious equine encephalomyelitis, toxic encephalomyelitis (forage poisoning), infectious anemia (swamp fever), dourine, acute influenza, generalized osteoporosis, glanders (farcy), acute inflammatory lameness, extensive fistula, and unhealed vaccine lesions,” neoplasms, epithelioma of the eye, pigmentary conditions; melanosis, xanthosis, ochronosis, etc., abrasions, bruises, abscesses, pus, etc., brucellosis, a carcass that would cause food poisoning including “acute inflammation of the lungs, pleura, pericardium, peritoneum, or meninges, septicemia or pyemia; whether puerperal, traumatic, or without any evident cause, gangrenous or severe hemorrhagic enteritis or gastritis; acute diffuse metritis or mammitis; phlebitis of the umbilical veins; septic or purulent traumatic pericarditis; any acute inflammation, abscess, or suppurating sore, if associated with acute nephritis, fatty and degenerated liver, swollen soft spleen, marked pulmonary hyperemia, general swelling of lymph nodes, diffuse redness of the skin, cachexia, icteric discoloration of the carcass or similar condition, either singly or in combination; and salmonellosis,” necrobacillosis, pyemia, and septicemia, caseous lymphadenitis, icterus, sexual odor of swine, mange or scab, “hogs affected with urticaria, tinea tonsurans, demodex folliculorum, or erythema,” “tapeworm cysts (cysticercus bovis) in cattle,” “hogs affected with tapeworm cysts,” “parasites not transmissible to man; tapeworm cysts in sheep; hydatid cysts; flukes; gid bladder-worms,” emaciation, “injured animals slaughtered at unusual hours,” “carcasses of young calves, pigs, kids, lambs, and foals,” “unborn and stillborn animals,” “livestock suffocated and hogs scalded alive,” “Livers affected with carotenosis; livers designated as “telangiectatic,” “sawdust,” or “spotted,”” vesicular diseases, listeriosis, anemia, “muscular inflammation, degeneration, or infiltration,” “coccidioid granuloma,” odors, foreign and urine, “meat and meat byproducts from livestock which have been exposed to radiation,” and biological residues that deem the carcass adulterated.

If an animal is part of a lot where another animal has been deemed to be “U.S. Suspect” or otherwise, the animal should still be separated, regardless of symptoms, if that lot has an animal that is diagnosed with hog cholera or affected with anthrax. [9 C.F.R. § 309.5](#); [9 C.F.R. § 309.7](#).

<sup>28</sup> [9 C.F.R. § 309.3](#); [9 C.F.R. § 309.2](#).

<sup>29</sup> [9 C.F.R. § 309.18\(a\)](#). “U.S. Suspect” hogs must be tattooed as well. [9 C.F.R. § 309.18\(b\)](#). “Livestock with epithelioma of the eye, actinomycosis, or actinobacillosis to such an extent that the lesions would be readily detected on post-mortem inspection, need not be individually tagged on ante-mortem inspection with the U.S. Suspect tag, provided that such cattle are segregated and otherwise handled as U.S. Suspects.” [9 C.F.R. § 309.18\(b\)](#). Also, “livestock bearing an official “USDA Reactor” or similar State reactor tag shall not be tagged as U.S. Suspects.” [9 C.F.R. § 309.2\(d\)](#).

<sup>30</sup> [9 C.F.R. § 309.2\(m\) and \(p\)](#).

<sup>31</sup> [9 C.F.R. § 309.2\(n\)](#).



Suspect, its temperature if relevant, and “the U.S. Suspect identification number and any other identifying tag numbers present.”<sup>32</sup> If the animal passes ante-mortem inspection, it can proceed to be slaughtered for human food.<sup>33</sup>

Animals showing signs of labor must also be separated until the birthing process is complete.<sup>34</sup> There are also separate requirements for the separation of calves that are being considered for slaughter.<sup>35</sup>

After separation or during ante-mortem inspection, some animals may be “Condemned.”<sup>36</sup> Animals that are labeled “U.S. Condemned” must be promptly and humanely euthanized and the carcass must be properly disposed of – it cannot be sold or used for food.<sup>37</sup>

Animals should be identified as “U.S. Condemned” if:

- they are dead or dying;
- show a disease or condition that requires disposal of their carcass, which includes a number of different scenarios in [9 CFR 311](#);
- “swine having a temperature of 106 °F. or higher and any cattle, sheep, goats, horses, mules, or other equines having a temperature of 105 °F. or higher”;
- any comatose or semi-comatose animal, although it may be possible to set the animal aside for treatment and further observation;
- any cattle that are not able to walk or are disabled (“downer cattle”) – even if this occurs after ante-mortem inspection;<sup>38</sup> and
- livestock showing signs “of anaplasmosis, ketosis, leptospirosis, listeriosis, parturient paresis, pseudorabies, rabies, scrapie, tetanus, grass tetany, transport tetany, strangles, purpura hemorrhagica, azoturia, infectious equine encephalomyelitis, toxic encephalomyelitis (forage poisoning), dourine, acute influenza, generalized osteoporosis, glanders (farcy), acute inflammatory lameness or extensive fistula,” cancer eye, anthrax, hogs with swine cholera, cattle with anasarca and generalized edema, hogs with acute swine erysipelas, or with biological residues.”<sup>39</sup>

The condemned livestock will be tagged “U.S. Condemned” and separated from U.S. Suspect livestock.<sup>40</sup> Condemned livestock should also be marked with an ear tag that states it is “U.S. Condemned” and includes a serial number.<sup>41</sup>

If the “U.S. Condemned” livestock can be treated, the tag may be removed by an inspector if treatment is successful.<sup>42</sup>

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<sup>32</sup> [9 C.F.R. § 302.2\(o\)](#).

<sup>33</sup> See [9 C.F.R. § 309.2](#). National Meat Ass’n v. Brown, 599 F.3d 1093 (2010)

<sup>34</sup> [9 C.F.R. § 309.10](#).

<sup>35</sup> [9 C.F.R. § 309.16\(d\)](#).

<sup>36</sup> [9 C.F.R. § 309.3\(a\)](#).

<sup>37</sup> See [9 C.F.R. § 309.13\(a\)](#); [21 U. S. C. § 610\(c\)](#). National Meat Ass’n v. Harris, 599 F. 3d 1093 (2012)

<sup>38</sup> [9 C.F.R. § 309.3](#).

<sup>39</sup> [9 C.F.R. §§ 309.4—309.9, 309.16](#). Livestock used for research also cannot be slaughtered without special approval by FSIS. [9 C.F.R. § 309.17](#).

<sup>40</sup> See also Hogs must be sorted to ensure those that have “signs of moribundity, central nervous system disorders, or pyrexia” are disposed of before ante-mortem inspection occurs. [9 C.F.R. § 309.19\(a\)](#). There should be protocols in place to ensure these animals do not enter the plant. These animals should be uniquely identified via a tag, tattoo, or similar marking and should be sorted and removed from slaughter immediately and properly disposed of. Hogs removed prior to ante-mortem inspection must be documented and reported for review by FSIS. [9 C.F.R. § 309.19](#).

<sup>41</sup> [9 C.F.R. § 309.18\(c\)](#).

<sup>42</sup> See [9 C.F.R. § 309.13\(b\)](#); [9 C.F.R. §§ 309.2—309.3, 309.7](#). Note that if the livestock has listeriosis it will still be deemed to be “U.S. Suspect” even after successful treatment. [9 C.F.R. § 309.13\(c\)](#). “Goats which have reacted to a test for brucellosis shall not be slaughtered in an official establishment.” [9 C.F.R. § 309.14](#).

“U.S. Condemned” livestock cannot be released back to their owner unless the plant receives permission from “the local, State, or Federal livestock sanitary official having jurisdiction.”<sup>43</sup>

It is important to assess your animals for any illness or other conditions prior to your slaughter date and take appropriate treatment and handling actions. A slaughter date can always be rescheduled, and it will likely cost you more if your animal is condemned.

## II. Disposal of U.S. Condemned Animals

It is the facility’s responsibility to euthanize the condemned animal promptly and humanely and immediately dispose of the carcass.<sup>44</sup> The “U.S. Condemned” animal cannot be slaughtered inside the FSIS inspected plant where edible products are handled.<sup>45</sup> FSIS has protocols for how plants should dispose of condemned animals.<sup>46</sup>

## III. Emergency Slaughter

Ante-mortem inspection and separation may be skipped in cases of accidental emergencies.<sup>47</sup> Emergency slaughter occurs when unexpected injuries to animals arise that create a need for immediate slaughter, such as a truck of animals getting in a serious accident or an incident in the holding pens.<sup>48</sup> To minimize the animals’ suffering, the plant can initiate emergency slaughter.<sup>49</sup> It is recommended that you contact the plant as soon as possible to ensure they are able to receive approval from FSIS for emergency slaughter.<sup>50</sup> If emergency slaughter is necessary, the inspector will inspect each animal immediately before slaughter, or, in cases where needed for humane reasons to slaughter an injured animal off-hours, the carcass and parts must be kept for inspection.<sup>51</sup>

Emergency slaughter is not allowed for sick or dying animals and is extremely limited for cattle slaughter.<sup>52</sup>

## IV. FSIS enforcement of Ante-Mortem Inspection

USDA has suspended federal inspection for years in situations where plants have violated the prior to slaughter or ante-mortem inspection requirements mentioned above.<sup>53</sup> Therefore, compliance is important for ensuring farmers have access to slaughter and small plants remain open.

Ante-mortem inspection typically occurs in the plant’s holding pens but can occur while animals are still on the truck before they are unloaded.<sup>54</sup> Pens must be sufficiently designed for these purposes and there must be enough lighting for the inspector to see the animals.<sup>55</sup>

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<sup>43</sup> [9 C.F.R. § 309.13\(d\).](#)

<sup>44</sup> [9 C.F.R. § 309.13.](#)

<sup>45</sup> [9 C.F.R. § 309.13.](#)

<sup>46</sup> See [9 C.F.R. part 314.](#)

<sup>47</sup> [9 C.F.R. § 309.12.](#)

<sup>48</sup> [Slaughter Inspection Refresher Course, 16 USDA \(July 2021\).](#)

<sup>49</sup> [Slaughter Inspection Refresher Course, 16 USDA \(July 2021\).](#)

<sup>50</sup> See [Slaughter Inspection Refresher Course, 16 USDA \(July 2021\).](#)

<sup>51</sup> [9 C.F.R. § 309.12.](#)

<sup>52</sup> See [Slaughter Inspection Refresher Course, 16 USDA \(July 2021\).](#)

<sup>53</sup> See, e.g., 43 Agric. Dec. 1783 (U.S.D.A.)

<sup>54</sup> [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 2 USDA FSIS \(May 7, 2020\).](#) FSIS personnel can request assistance from the plant to ensure their safety and ability to inspect the livestock during both ante-mortem inspection and upon further inspection of segregated “U.S. Suspect” and “U.S. Condemned” livestock. [9 C.F.R. § 307.2\(a\).](#)

<sup>55</sup> [9 C.F.R. § 307.2\(a\), \(b\).](#) “pens, alleys, and runways shall be paved, drained, and supplied with adequate hose connections for cleanup purposes.”



As ante-mortem inspection begins, the plant must provide the inspector with pen cards or drive sheets before the inspection is performed.<sup>56</sup> Farmers can ensure this documentation is readily available and accurate.<sup>57</sup> The pen card or drive sheet must contain space to record the date and time of inspection, pen/lot number, number and slaughter class of animals presented for inspection and that passed inspection, and the Inspector's signature or initials.<sup>58</sup> The plant's employees can record the information, but the inspector is required to check the information and sign/initial it themselves.<sup>59</sup> The inspector will periodically verify the pen card or drive sheet records and confirm the plant's documentation of the number of livestock presented for pre-slaughter inspection.<sup>60</sup> If an error is pointed out by the inspector, the plant should correct it immediately.<sup>61</sup>

The inspector will observe the animals at rest and in motion and observe both sides of the animal to determine their health.<sup>62</sup> Other inspection priorities include: the condition of the animal's eyes, legs, head, body, "alertness, mobility, and breathing," and if there is any visible swelling or other injury.<sup>63</sup>

It is the facility's responsibility, not the inspector's, to have adequate and competent employees to move, separate, identify, and dispose of animals in a humane manner.<sup>64</sup>

Inspectors will require the plant to move the "U.S. Suspect" animals to a separate pen for inspection by a Public Health Veterinarian (PHV).<sup>65</sup> Any livestock that are separated for further inspection will either be passed for slaughter, labeled "U.S. Suspect," or condemned.<sup>66</sup>

The inspector will watch the segregation process and observe the separate holding facilities for U.S. Suspect and U.S. Condemned animals to ensure humane treatment and that all "U.S. Suspect" and dying, diseased, or disabled livestock are placed in a covered pen that protects them from the weather.<sup>67</sup>

As mentioned above, hogs can be voluntarily segregated by the plant prior to ante-mortem inspection if approved to do so by FSIS.<sup>68</sup> This guide does not discuss voluntary segregation, as it is mostly used in a few large plants.

If an animal is put into a "Suspect" pen, the PHV will then examine the animal by taking its temperature and assessing the animal's ability to walk and the severity of its illness.<sup>69</sup> The PHV will observe how plant employees get resting animals to stand up and move, which must be done in a humane way – the employees cannot kick or use an electrical prod to have the animals move for observation purposes.<sup>70</sup> These animals will be slaughtered separately if

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<sup>56</sup> [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 2-3 USDA FSIS \(May 7, 2020\)](#).

<sup>57</sup> See Chapter 6 for tips.

<sup>58</sup> [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 3 USDA FSIS \(May 7, 2020\)](#).

<sup>59</sup> [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 3 USDA FSIS \(May 7, 2020\)](#).

<sup>60</sup> [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 3 USDA FSIS \(May 7, 2020\)](#).

<sup>61</sup> [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 3 USDA FSIS \(May 7, 2020\)](#). An NR will be issued to plants who do not correct the error.

<sup>62</sup> [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 6 USDA FSIS \(May 7, 2020\)](#).

<sup>63</sup> FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 3 USDA FSIS (May 7, 2020); *Farm Sanctuary v. United States Department of Agriculture*, 706 F.Supp.3d 381, 396 (2023).

<sup>64</sup> See [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, USDA FSIS \(May 7, 2020\)](#).

<sup>65</sup> [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 4 USDA FSIS \(May 7, 2020\)](#); See *Farm Sanctuary v. United States Department of Agriculture*, 706 F.Supp.3d 381, 394-95 (2023).

<sup>66</sup> [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 4 USDA FSIS \(May 7, 2020\)](#).

<sup>67</sup> 9 C.F.R. § 313.1(c); [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 6 USDA FSIS \(May 7, 2020\)](#).

<sup>68</sup> Plant employees may voluntarily sort swine or sheep that are healthy into "Normal" pens and that are ill into "Subject" pens. "Inspectors then inspect all animals in the "Normal" pens at rest," as well as "five to ten percent of those animals in motion" and instruct plants to move animals to "U.S. Suspect" pens for final review by a PHV, when they fall into that category. Segregation procedures must be documented and correctly implemented to be considered valid by the inspector. See [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 8 USDA FSIS \(May 7, 2020\)](#). *Farm Sanctuary v. United States Department of Agriculture*, 706 F.Supp.3d 381, 396 (2023).

<sup>69</sup> [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 8-9 USDA FSIS \(May 7, 2020\)](#).

<sup>70</sup> [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 9 USDA FSIS \(May 7, 2020\)](#).

approved by the PHV for slaughter or labeled “U.S. Condemned” if they are not approved for slaughter. “U.S. Condemned” animals must be humanely disposed of or held for appropriate treatment.<sup>71</sup>

If a plant holds the animal for treatment the inspector will first verify that the animal’s document is updated.<sup>72</sup> The facility may request and receive permission to have the animal treated off site at, for example, a vet clinic.<sup>73</sup> If you would like this to happen for your animal you should work with the plant as quickly as possible to request this. What to do if your animal is deemed “U.S. Condemned” by the inspector is discussed in more detail below in Chapter 5. Non-ambulatory disabled cattle and veal calves tagged “U.S. Condemned” must be promptly and humanely euthanized by the plant.<sup>74</sup>

Slaughter can begin once inspection program personnel (“IPP”) have recorded on the pen card or drive sheet “the time that ante-mortem inspection was performed” with their signature or initials.<sup>75</sup> This means the animal has been approved for slaughter.

As mentioned above, ante-mortem inspection should happen the same day the animal is slaughtered.<sup>76</sup> However, some small and very small plants that slaughter 15 or less animals a day are allowed to have ante-mortem inspection occur the day before slaughter.<sup>77</sup> If a plant pursues this option, any “U.S. Suspect” animals must be slaughtered in the presence of IPP, regardless of when ante-mortem inspection occurred.<sup>78</sup> Delayed slaughter is not allowed for cattle.<sup>79</sup>

## **v. Livestock pens, driveways and ramps**

Livestock pens, driveways, and ramps must be maintained to ensure livestock are not harmed or injured by any sharp objects or corners.<sup>80</sup> This includes off-loading ramps, holding pens, gates, chutes, restraints, and the stunning box.<sup>81</sup> The plant must repair any loose boards, broken planks, rails, or ramps, splintered boards or planks, or other broken items and fill all unnecessary openings large enough to injure or trap the animals’ head, feet, or legs.<sup>82</sup> Floors must provide livestock with good footing so the animals do not fall or injure themselves.<sup>83</sup> Examples of good flooring include: slip resistant floors, waffled floors, cleated ramps, and sand during winter if necessary.<sup>84</sup> Pens should be arranged with minimal sharp corners and to prevent animals from having to be driven in the opposite direction.<sup>85</sup> All facilities must be kept in a manner that prevents injury to livestock. If the inspector believes the pen, ramp, driveway, etc. could cause an injury to an animal, they will issue a noncompliance, even if an animal has not been injured yet.<sup>86</sup> The goal of this regulation is to prevent injuries to livestock.

A plant must have a covered pen to protect any dying, diseased, disabled, or “U.S. Suspect” livestock (as referenced above), from any weather conditions until a decision is made by the inspector.<sup>87</sup>

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<sup>71</sup> [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, USDA FSIS \(May 7, 2020\).](#)

<sup>72</sup> [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 11 USDA FSIS \(May 7, 2020\).](#)

<sup>73</sup> [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 11 USDA FSIS \(May 7, 2020\).](#)

<sup>74</sup> [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 11 USDA FSIS \(May 7, 2020\).](#)

<sup>75</sup> [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 4 USDA FSIS \(May 7, 2020\).](#)

<sup>76</sup> [9 C.F.R. § 309.1.](#)

<sup>77</sup> [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 12 USDA FSIS \(May 7, 2020\).](#)

<sup>78</sup> [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 12 USDA FSIS \(May 7, 2020\).](#)

<sup>79</sup> [FSIS Directive 6100.1 Rev. 3, Ante-Mortem Livestock Inspection, 12 USDA FSIS \(May 7, 2020\).](#)

<sup>80</sup> [9 C.F.R. § 313.1\(a\).](#)

<sup>81</sup> [Humane Handling of Livestock and Good Commercial Practices in Poultry, 6 USDA FSIS \(Aug. 2, 2018\).](#)

<sup>82</sup> [9 C.F.R. § 313.1\(a\); FSIS Compliance Guide for a Systematic Approach to the Humane Handling of Livestock, 12-13 USDA FSIS \(October 2013\).](#)

<sup>83</sup> [9 C.F.R. § 313.1\(b\).](#)

<sup>84</sup> [9 C.F.R. § 313.1\(b\).](#)

<sup>85</sup> [9 C.F.R. § 313.1\(d\).](#)

<sup>86</sup> [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, 9 USDA FSIS \(Sept. 24, 2020\).](#)

<sup>87</sup> [9 C.F.R. § 313.1\(c\).](#)



## VI. Handling Livestock Pre-Slaughter

When driving livestock from trucks and unloading ramps to holding pens and then from holding pens to stunning areas, livestock should move no faster than normal walking speed and excitement and discomfort of the animals must be minimized.<sup>88</sup> Any sort of action anyone handling the animals, including the animals' owner, takes that causes the animals to run or move too quickly once at the plant is likely a violation.<sup>89</sup> In comparison, if the animals move quickly or start to try and run on their own, that is likely not a violation.<sup>90</sup> The use of electric prods, baseball bats, canvas slappers, and other tools to move livestock should not be used often.<sup>91</sup> Excessive use of these tools is prohibited, and the inspector has discretion as to what they consider "excessive use."<sup>92</sup> "Electric prods attached to AC house current" must be used at the lowest effective voltage – a maximum of 50 Volts AC.<sup>93</sup> The following items **cannot** be used to drive livestock: pipes, sharp objects, pointed objects, or any other object that causes unnecessary pain or injury.<sup>94</sup> IPP will inspect and verify this usually after the ante-mortem inspection mentioned in the above section has occurred by directly observing the movement of cattle in the pens, alleys, chutes, and into the stunning area.<sup>95</sup>

Animals unable to move must be separated and placed in a covered pen as mentioned above.<sup>96</sup> Conscious disabled or other unmovable animals cannot be dragged.<sup>97</sup> Only stunned and unconscious animals may be dragged.<sup>98</sup> Conscious disabled and other unmovable animals may be relocated on equipment designed to move them, such as stone boats or bucket lifts.<sup>99</sup> Equipment that is sharp and likely to cause further injury, such as forklifts, cannot be used to move animals.<sup>100</sup> The use of a power activated gate or similar device cannot be used to move livestock.<sup>101</sup>

Animals must always have access to drinkable water in the holding pens.<sup>102</sup> The water should not be frozen.<sup>103</sup> Water should be checked frequently, especially in warm weather.<sup>104</sup> If held overnight, animals must have enough space to lie down in the holding pen.<sup>105</sup> If held longer than 24 hours, animals must have access to appropriate feed for that animal's age and species.<sup>106</sup>

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<sup>88</sup> [9 C.F.R. § 313.2\(a\); Humane Handling Verification for Livestock and Good Commercial Practices for Poultry, 5 USDA FSIS \(Apr. 11, 2024\).](#)

<sup>89</sup> [Humane Handling Verification for Livestock and Good Commercial Practices for Poultry, 6 USDA FSIS \(Apr. 11, 2024\).](#)

<sup>90</sup> [Humane Handling Verification for Livestock and Good Commercial Practices for Poultry, 6 USDA FSIS \(Apr. 11, 2024\).](#)

<sup>91</sup> [9 C.F.R. § 313.2\(b\); Humane Handling Verification for Livestock and Good Commercial Practices for Poultry, 6 USDA FSIS \(Apr. 11, 2024\).](#)

<sup>92</sup> [9 C.F.R. § 313.2\(b\).](#)

<sup>93</sup> [9 C.F.R. § 313.2\(b\).](#)

<sup>94</sup> [9 C.F.R. § 313.2\(c\).](#)

<sup>95</sup> [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, 11 USDA FSIS \(Sept. 24, 2020\).](#)

<sup>96</sup> [9 C.F.R. § 313.2\(d\).](#)

<sup>97</sup> [9 C.F.R. § 313.2\(d\).](#)

<sup>98</sup> [9 C.F.R. § 313.2\(d\).](#)

<sup>99</sup> [9 C.F.R. § 313.2\(d\); Humane Handling Verification for Livestock and Good Commercial Practices for Poultry, 7 USDA FSIS \(Apr. 11, 2024\).](#)

<sup>100</sup> See 2013 WL 4713557 (violation due to employee moving disabled animals with a forklift).

<sup>101</sup> [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, 11 USDA FSIS \(Sept. 24, 2020\).](#)

<sup>102</sup> [9 C.F.R. § 313.2\(e\); Humane Handling Verification for Livestock and Good Commercial Practices for Poultry, 3 USDA FSIS \(Apr. 11, 2024\).](#)

<sup>103</sup> [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, 9 USDA FSIS \(Sept. 24, 2020\).](#)

<sup>104</sup> [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, 9 USDA FSIS \(Sept. 24, 2020\).](#)

<sup>105</sup> [9 C.F.R. § 313.2\(e\).](#)

<sup>106</sup> [9 C.F.R. § 313.2\(e\); Humane Handling Verification for Livestock and Good Commercial Practices for Poultry, 3 USDA FSIS \(Apr. 11, 2024\).](#)

Any injury to animals pre-slaughter due to poor humane handling practices is likely a violation of the FMIA and FSIS regulations.<sup>107</sup>

## **Humane Slaughter Requirements**

After pre-slaughter humane handling requirements are observed, FSIS will also enforce certain regulations that ensure animals are properly and humanely slaughtered. The FMIA gives FSIS the authority to suspend slaughter operations in the event of a violation of the HMSA until the plant can prove to FSIS that any future slaughter will comply with humane handling requirements.<sup>108</sup> FSIS does **not** have to suspend a plant that violates the HMSA; but this law does give them the power to do so if it is necessary.<sup>109</sup>

First, the stunning area must minimize the free movement of livestock so that the operator can precisely stun the livestock and ensure minimum excitement and discomfort for the animals.<sup>110</sup>

Animals cannot be shackled, hoisted, thrown, cast, or cut before they are effectively stunned.<sup>111</sup>

If it takes more than one stun to immediately produce unconsciousness, it is a violation of the HMSA.<sup>112</sup> The stun might fail due to stun placement by the employee or because the equipment malfunctioned. If the first stun fails to render the animal immediately unconscious, an immediate corrective action in the form of a second shot must be taken.<sup>113</sup> Oftentimes, FSIS suspends a plant for failure to stun when the animal is not rendered unconscious immediately after a failed stun.<sup>114</sup> Plants should prepare employees to administer an immediate second shot if the first attempted stun fails. For example, if the immediate corrective action is via a rifle, the employee should be prepared to load and administer the shot in a matter of a few seconds.<sup>115</sup> The second shot should render the animal unconscious.<sup>116</sup> It is important to have the backup stunning method on the kill floor during slaughter to ensure the reaction is immediate. Plants should also have a second knocking device (i.e. firearm, or second captive bolt) ready and available in case the stun fails due to equipment malfunction. An immediate corrective action will help prevent a suspension.<sup>117</sup>

**What Are the Approved Stunning Methods?** Carbon dioxide gas, captive bolt stunners, firearm stunning, and electrical current stunning are all approved humane methods of slaughter for certain livestock.<sup>118</sup>

For each method, animals should have minimal excitement and discomfort, which is key to ensuring a humane method of slaughter.<sup>119</sup>

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<sup>107</sup> [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock](#), 9 USDA FSIS (Sept. 24, 2020).

<sup>108</sup> [21 U.S.C. § 603\(b\)](#); See [9 C.F.R. § 500.3\(b\)](#).

<sup>109</sup> [21 U.S.C. § 603\(b\)](#).

<sup>110</sup> [Humane Handling of Livestock and Good Commercial Practices in Poultry](#), 8 USDA FSIS (Aug. 2, 2018).

<sup>111</sup> [9 C.F.R. § 313.2\(f\)](#).

<sup>112</sup> See [7 U.S.C. § 1902](#).

<sup>113</sup> See, e.g., Docket Nos. 14-0045, 14-0046 (waiting 4 minutes to render the second shot was an egregious violation; waiting approximately 2 minutes was a violation and suspended the plant; stunning an animal on the third try resulted in suspension).

<sup>114</sup> See, e.g., Docket Nos. 14-0045, 14-0046.

<sup>115</sup> See, e.g., Docket Nos. 14-0045, 14-0046 (waiting 4 minutes to render the second shot was an egregious violation; waiting approximately 2 minutes was a violation and suspended the plant; stunning an animal on the third try resulted in suspension).

<sup>116</sup> See, e.g., Docket Nos. 14-0045, 14-0046.

<sup>117</sup> See e.g., Docket Nos. 14-0045, 14-0046.

<sup>118</sup> [9 C.F.R. §§ 313.5, 313.15, 313.16, 313.30](#).

<sup>119</sup> See [9 C.F.R. §§ 313.5\(a\)\(2\), 313.15\(a\), 313.16\(a\)\(2\)](#).



## I. What are the Requirements for Carbon Dioxide Gas Stunning?

Carbon Dioxide gas stunning is rarely used in a small or very small plant and can only be used for sheep, calves, and swine.<sup>120</sup> The carbon dioxide gas must produce insensibility or unconsciousness in these animals in a quick and calm manner before they are cut, thrown, hoisted or shackled.<sup>121</sup> Exposure to carbon dioxide gas cannot induce death, except for swine.<sup>122</sup> If the swine are still alive when exiting the carbon dioxide gas chamber, then they must stay in the effect of surgical anesthesia throughout the shackling, sticking, and bleeding process.<sup>123</sup> Sheep and calves must remain insensible throughout the shackling, sticking, and bleeding process that results in death.<sup>124</sup>

When moving animals into the carbon dioxide chamber, minimal discomfort and excitement should occur.<sup>125</sup> Animals must be calm because otherwise the use of anesthesia among excited animals will result in a more violent and inhumane path to unconsciousness.<sup>126</sup> When moving animals into the carbon dioxide chamber the use of electrical prods or equipment should be limited and avoided if at all possible, and the lowest effective voltage must be used.<sup>127</sup>

The design of the gas chamber must effectively expose the livestock to carbon dioxide gas.<sup>128</sup> The regulations contain details as to how you can design the chambers, as described in the note below.<sup>129</sup> All “[p]athways, compartments, gas chambers, and all other equipment used must be designed” for each livestock species.<sup>130</sup> No pain-inducing restraining devices can be used during this process.<sup>131</sup> No sharp projections, unnecessary holes, unnecessary spaces, unnecessary openings, or exposed wheels/gears are allowed because they could injure the animals.<sup>132</sup> The machines or impellers that move the animals must be made of “flexible or well-padded rigid material.”<sup>133</sup> Mechanical gates must also be built to prevent injury.<sup>134</sup> Ongoing maintenance of all equipment is required.<sup>135</sup>

Only one operator controls “the flow of animals into and through the [gas] chamber.”<sup>136</sup> The operator must be “skilled, attentive, and aware of their responsibility.”<sup>137</sup> A careless operator can lead to accidental overdosing or killing of livestock.<sup>138</sup>

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<sup>120</sup> [9 C.F.R. § 313.5.](#)

<sup>121</sup> [9 C.F.R. § 313.5\(a\)\(1\).](#)

<sup>122</sup> [9 C.F.R. § 313.5\(a\).](#)

<sup>123</sup> [9 C.F.R. § 313.5\(a\)\(3\).](#)

<sup>124</sup> [9 C.F.R. § 313.5\(a\)\(3\).](#)

<sup>125</sup> [9 C.F.R. § 313.5\(a\)\(2\).](#)

<sup>126</sup> [9 C.F.R. § 313.5\(a\)\(2\).](#)

<sup>127</sup> [9 C.F.R. § 313.5\(a\)\(2\).](#)

<sup>128</sup> [9 C.F.R. § 313.5\(b\)\(1\).](#)

<sup>129</sup> [9 C.F.R. § 313.5\(b\)\(1\).](#) Both U-type and Straight Line type tunnels are commonly used. These tunnels work by relying on carbon dioxide being heavier than air, causing the carbon dioxide to go to the bottom of the tunnel with the livestock. These tunnels have open exits and entrances and a depressed (lowered) middle section. Livestock are driven from holding pens to the carbon dioxide gas chamber on pathways made of large-diameter pipe or smooth metal. These pathways move livestock onto continuous conveyor devices. The conveyors move the animals through the carbon dioxide gas tunnel. Commonly, mechanical impellers compartmentalize (separate) the livestock on the conveyors. Mechanical impellers, or other devices moving or compartmentalizing the livestock, must be made “of flexible or well-padded rigid material.” Mechanical or manually operated gates then move the livestock onto the conveyors. Once the livestock are surgically anaesthetized, or killed if they are swine, they are conveyed out of the tunnels on the same continuous conveyor that brought them in and lead them through the gas.

<sup>130</sup> [9 C.F.R. § 313.5\(b\)\(2\).](#)

<sup>131</sup> [9 C.F.R. § 313.5\(b\)\(2\).](#)

<sup>132</sup> [9 C.F.R. § 313.5\(b\)\(2\).](#)

<sup>133</sup> [9 C.F.R. § 313.5\(b\)\(2\).](#)

<sup>134</sup> [9 C.F.R. § 313.5\(b\)\(2\).](#)

<sup>135</sup> [9 C.F.R. § 313.5\(b\)\(2\).](#)

<sup>136</sup> [9 C.F.R. § 313.5\(b\)\(1\)\(ii\).](#)

<sup>137</sup> [9 C.F.R. § 313.5\(b\)\(1\)\(ii\).](#)

<sup>138</sup> [9 C.F.R. § 313.5\(b\)\(1\)\(ii\).](#)

Gas and air must be properly mixed each day prior to the animals entering the chamber.<sup>139</sup> Gas must be properly and carefully distributed into the chamber so the carbon dioxide concentration stuns adequately and uniformly.<sup>140</sup> An exhaust system must be in place to ensure if equipment failure occurs the carbon dioxide is still applied uniformly.<sup>141</sup> Continuous sampling of the chamber is required and must be made from a representative place(s) in the chamber.<sup>142</sup> The gas concentration and animals' exposure time must be recorded throughout the day.<sup>143</sup>

No noxious or irritating gases are allowed in the gas chamber.<sup>144</sup> All equipment must be continuously maintained.<sup>145</sup>

Program inspectors must have access to inspect all gas producing and controlling equipment to ensure it is properly maintained.<sup>146</sup> Program inspectors must have access to inspect all indicators, instruments, and measuring devices.<sup>147</sup>

## II. What are the Requirements for Captive Bolt Stunning?

Captive bolt stunning is approved for sheep, swine, goats, calves, cattle, horses, mules, and other equines.<sup>148</sup> These methods include both compressed air powered (pneumatic) or cartridge fired captive bolt stunners.<sup>149</sup> Stunning via this method must also render the animal immediately unconscious and minimize excitement and discomfort.<sup>150</sup> Driving livestock to the stunning area must minimize excitement and discomfort to the livestock.<sup>151</sup> It is essential that animals are calm before they are stunned to ensure the correct placement of stunning equipment.<sup>152</sup> When moving animals into the stunning area the use of electrical prods should be limited and avoided if at all possible and the lowest effective voltage must be used.<sup>153</sup> The stunning area must be designed to effectively restrain the animal to allow the operator to accurately stun the animal.<sup>154</sup> Once stunned, the animals should be unconscious and remain this way until exsanguination facilitates death.<sup>155</sup> Proper stunning is essential to ensuring the animal remains unconscious.<sup>156</sup>

Captive bolt stunning can be skull penetrating or nonpenetrating.<sup>157</sup> Unconsciousness must occur immediately after use.<sup>158</sup> The correct type of captive bolt stunner is one that is the right size, right design, and, when properly positioned and activated, causes immediate unconsciousness.<sup>159</sup>

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<sup>139</sup> See [9 C.F.R. § 313.5\(b\)\(3\)](#).

<sup>140</sup> See [9 C.F.R. § 313.5\(b\)\(3\)](#). "Carbon dioxide gas supplied to anesthesia chambers may be from controlled reduction of solid carbon dioxide or from a controlled liquid source. In either case the carbon dioxide shall be supplied at a rate sufficient to anesthetize adequately and uniformly the number of animals passing through the chamber." [9 C.F.R. § 313.5\(b\)\(3\)](#).

<sup>141</sup> [9 C.F.R. § 313.5\(b\)\(3\)](#).

<sup>142</sup> [9 C.F.R. § 313.5\(b\)\(3\)](#).

<sup>143</sup> [9 C.F.R. § 313.5\(b\)\(3\)](#).

<sup>144</sup> [9 C.F.R. § 313.5\(b\)\(3\)](#).

<sup>145</sup> [9 C.F.R. § 313.5\(b\)\(3\)](#).

<sup>146</sup> [9 C.F.R. § 313.5\(b\)\(3\)](#).

<sup>147</sup> [9 C.F.R. § 313.5\(b\)\(3\)](#).

<sup>148</sup> [9 C.F.R. § 313.15](#).

<sup>149</sup> See [Temple Grandin, Recommended Animal Handling Guidelines & Audit Guide: A Systematic Approach to Animal Welfare, 22 N. AM. MEAT INST. \(Jan. 2021\)](#).

<sup>150</sup> [9 C.F.R. § 313.15\(a\)](#).

<sup>151</sup> [9 C.F.R. § 313.15\(a\)](#).

<sup>152</sup> [9 C.F.R. § 313.15\(a\)](#).

<sup>153</sup> [9 C.F.R. § 313.15\(a\)](#).

<sup>154</sup> [9 C.F.R. § 313.15\(b\)\(1\)\(ii\)](#).

<sup>155</sup> [9 C.F.R. § 313.15\(a\)](#).

<sup>156</sup> See [Temple Grandin, Recommended Animal Handling Guidelines & Audit Guide: A Systematic Approach to Animal Welfare, 23-24 N. AM. MEAT INST. \(June 2017\)](#) (discussing best stunning practices).

<sup>157</sup> [9 C.F.R. § 313.15\(b\)\(1\)\(i\)](#).

<sup>158</sup> [9 C.F.R. § 313.15\(b\)\(1\)\(i\)](#). "Unconsciousness is produced immediately by a combination of acceleration concussion and changes in intracranial pressures." [9 C.F.R. § 313.15\(b\)\(1\)\(i\)](#).

<sup>159</sup> [9 C.F.R. § 313.15\(b\)\(1\)\(i\)](#). "Energizing of instruments may be accomplished by detonation of measured charges of gunpowder or accurately controlled compressed air." [9 C.F.R. § 313.15\(b\)\(1\)\(i\)](#).



Compressed air pneumatic captive bolt stunners “must have necessary constant air pressure and accurate, constantly operating air pressure gauges” in order “to assure uniform unconsciousness with every blow.”<sup>160</sup> Inspectors and stunner operators must have convenient access to these gauges and must be able to easily read them.<sup>161</sup> Every stunning device should have safety features to prevent accidental discharge.<sup>162</sup> Captive bolt stunners must be kept in good repair.<sup>163</sup>

The correct type of captive bolt stunner must be used based on the age, species, size, and even sex of the animal.<sup>164</sup> “Captive bolt stunners that deliberately inject compressed air into the cranium at the end of the penetration cycle shall **not** be used to stun cattle” [emphasis added].<sup>165</sup>

Only a well trained and experienced operator can stun using captive bolt stunning because of the accuracy required to produce immediate unconsciousness. The operator must know and use “the correct detonating charge with regard to kind, breed, size, age, and sex of the animal to produce the desired results.”<sup>166</sup>

As mentioned above in the other stunning sections, all chutes, gates, alleys, restraints, holding pens, gates, floors, and other parts of the stunning area must be built to prevent injury to the animals including addressing properly any sharp features, holes, slippery floors, and other possible issues that may cause injuries to animals.<sup>167</sup>

### III. What is Required for Firearm Stunning?

Firearm stunning is approved for cattle, calves, swine, sheep, goats, horses, mules, and other equines.<sup>168</sup> Animals must be immediately rendered unconscious by a single shot with minimal discomfort or excitement if this is the method used.<sup>169</sup> Similar to other methods of stunning, animals must be calm when moved to the shooting area and should remain calm to ensure accurate shot placement.<sup>170</sup> An appropriate restraint, including a head restraint, can help.<sup>171</sup> The use of electrical prods should be limited and avoided if at all possible and the lowest effective voltage must be used.<sup>172</sup>

The firearm must be the correct type to ensure immediate unconsciousness of the animal, including appropriate accuracy with how the firearm aims.<sup>173</sup> If powered iron missiles are used the firearm must be “in close proximity with

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<sup>160</sup> [9 C.F.R. § 313.15\(b\)\(1\)\(ii\)](#). Low air pressure can cause poor stunning. [Temple Grandin, \*Recommended Animal Handling Guidelines & Audit Guide: A Systematic Approach to Animal Welfare\*, 22 N. AM. MEAT INST. \(Jan. 2021\)](#).

<sup>161</sup> [9 C.F.R. § 313.15\(b\)\(1\)\(ii\)](#).

<sup>162</sup> [9 C.F.R. § 313.15\(b\)\(1\)\(ii\)](#).

<sup>163</sup> [9 C.F.R. § 313.15\(b\)\(1\)\(ii\)](#).

<sup>164</sup> [9 C.F.R. § 313.15\(b\)\(2\)](#). “Young swine, lambs, and calves usually require less stunning force than mature animals of the same kind. Bulls, rams, and boars usually require skull penetration to produce immediate unconsciousness. Charges suitable for smaller kinds of livestock such as swine or for young animals are not acceptably interchanged for use on larger kinds or older livestock, respectively.” [9 C.F.R. § 313.15\(b\)\(2\)\(i\)](#).

<sup>165</sup> [9 C.F.R. § 313.15\(b\)\(2\)](#).

<sup>166</sup> [9 C.F.R. § 313.15\(b\)\(1\)\(iv\)](#).

<sup>167</sup> [9 C.F.R. § 313.15\(b\)\(1\)\(iii\)](#). “All chutes, alleys, gates and restraining mechanisms between and including holding pens and stunning areas shall be free from pain-producing features such as exposed bolt ends, loose boards, splintered or broken planking, and protruding sharp metal of any kind. There shall be no unnecessary holes or other openings where feet or legs of animals may be injured. Overhead drop gates shall be suitably covered on the bottom edge to prevent injury on contact with animals. Roughened or cleated cement shall be used as flooring in chutes leading to stunning areas to reduce falls of animals. Chutes, alleys, and stunning areas shall be so designed that they will comfortably accommodate the kinds of animals to be stunned.” [9 C.F.R. § 313.15\(b\)\(1\)\(iii\)](#).

<sup>168</sup> [9 C.F.R. § 313.16](#).

<sup>169</sup> [9 C.F.R. § 313.16\(a\)\(1\)](#).

<sup>170</sup> [9 C.F.R. § 313.16\(a\)\(2\)](#).

<sup>171</sup> See [Temple Grandin, \*Proper Cattle Restraint for Stunning\*, \(Sept. 2018\)](#).

<sup>172</sup> [9 C.F.R. § 313.16\(a\)\(2\)](#).

<sup>173</sup> [9 C.F.R. § 313.16\(b\)\(1\)\(i\)](#). “Only hollow pointed bullets, frangible iron plastic composition bullets, or powdered iron missiles can be used for small-bore firearms.” [9 C.F.R. § 313.16\(b\)\(1\)\(ii\)](#). Note that hollowed pointed bullets are more likely to result in failed stunning attempt and are not recommended for use by humane handling experts. [Gunshot or Penetrating Captive Bolt, IOWA STATE UNIV. COLL.](#)

the skull of the animal when fired.”<sup>174</sup> For the safety of the operator, the firearm should never be pressed flush against the head of the animal.<sup>175</sup>

All firearms must be maintained and should have safety devices to prevent accidental discharge.<sup>176</sup> Accidental discharge can lead to serious injuries to employees, inspectors, and others.<sup>177</sup> The firearms cannot be aimed or discharged towards operating areas at any time.<sup>178</sup>

The animal must remain unconscious throughout shackling, bleeding, and sticking.<sup>179</sup>

Operators must be well trained and experienced to shoot accurately enough to produce unconsciousness.<sup>180</sup> Accurate stunning requires the use of a “correct caliber firearm, powder charge, and type of ammunition” and should be adapted based on the age and sex of the animals.<sup>181</sup>

As described above in the other stunning sections, all chutes, gates, alleys, restraints, holding pens, gates, floors, and other parts of the shooting or stunning areas must be built to prevent injury to the animals including addressing any sharp features, holes, slippery floors, and other possible issues that may cause injuries to animals.<sup>182</sup>

#### IV. What is Required for Electric Current Stunning?

Swine, sheep, calves, cattle, and goats are permitted to be slaughtered using electric current.<sup>183</sup> An effective electrical stun should at least ensure a state of surgical anesthesia so the animals do not feel pain.<sup>184</sup> If an electrical stun application is ineffective, the animal will return to consciousness,<sup>185</sup> and the plant is not in compliance with humane

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[OF VETERINARY MED.](#) (last visited Sept. 7, 2025); see [Temple Grandin, Recommended Animal Handling Guidelines & Audit Guide: A Systematic Approach to Animal Welfare](#), 23-24 N. AM. MEAT INST. (June 2017) (for more humane handling best practices for firearm stunning).

<sup>174</sup> [9 C.F.R. § 313.16\(b\)\(1\)\(ii\).](#)

<sup>175</sup> [AVMA Guidelines for the Humane Slaughter of Animals: 2024 Edition](#), 56 Am. Veterinary Med. Ass’n (2024).

<sup>176</sup> [9 C.F.R. § 313.16\(b\)\(1\)\(ii\).](#)

<sup>177</sup> [9 C.F.R. § 313.16\(b\)\(1\)\(ii\).](#)

<sup>178</sup> [9 C.F.R. § 313.16\(b\)\(1\)\(ii\).](#)

<sup>179</sup> [9 C.F.R. § 313.16\(a\)\(3\).](#)

<sup>180</sup> [9 C.F.R. § 313.16\(b\)\(1\)\(iv\).](#)

<sup>181</sup> [9 C.F.R. § 313.16\(b\)\(1\)\(iv\).](#) “In the case of bulls, rams, and boars, small bore firearms may be used provided they are able to produce immediate unconsciousness of the animals. Small bore firearms are usually effective for stunning other cattle, sheep, swine, and goats, and calves, horses, and mules.” [9 C.F.R. § 313.16\(b\)\(2\).](#)

<sup>182</sup> [9 C.F.R. § 313.16\(b\)\(1\)\(iii\).](#) “All chutes, alleys, gates and restraining mechanisms between and including holding pens and stunning areas shall be free from pain-producing features such as exposed bolt ends, loose boards, splintered or broken planking, and protruding sharp metal of any kind. There shall be no unnecessary holes or other openings where feet or legs of animals may be injured. Overhead drop gates shall be suitably covered on the bottom edge to prevent injury on contact with animals. Roughened or cleated cement shall be used as flooring in chutes leading to stunning areas to reduce falls of animals. Chutes, alleys, and stunning areas shall be so designed that they will comfortably accommodate the kinds of animals to be stunned.” [9 C.F.R. § 313.15\(b\)\(1\)\(iii\).](#)

<sup>183</sup> [9 C.F.R. § 313.30.](#)

<sup>184</sup> [9 C.F.R. § 313.30\(a\); Temple Grandin, Recommended Animal Handling Guidelines & Audit Guide: A Systematic Approach to Animal Welfare](#), 25 N. AM. MEAT INST. (June 2017).

<sup>185</sup> [9 C.F.R. § 313.30\(a\); Temple Grandin, Recommended Animal Handling Guidelines & Audit Guide: A Systematic Approach to Animal Welfare](#), 26 N. AM. MEAT INST. (June 2017).

An animal regaining consciousness after an ineffective electrical stun can be caused by:

1. “Wrong position of the electrode;”
2. “Amperage that is too low;”
3. “Poor bleed out;” or
4. “Poor electrode contact with the animal.”

handling requirements.<sup>186</sup> Therefore, stunning personnel must take measures to ensure that electrical stunning is effective.<sup>187</sup>

The electric current must produce a quick and effective stun, “with a minimum of excitement and discomfort.”<sup>188</sup> The electric stun must either effectively stun or effectively stun and kill the animals, so they remain insensible through the shackling, sticking, and bleeding process.<sup>189</sup>

The electric current equipment must be designed for that species of animal.<sup>190</sup> “Suitable timing, voltage and current control devices shall be used to ensure that each animal receives the necessary electrical charge to produce immediate unconsciousness.”<sup>191</sup> The application of electric current must avoid causing hemorrhages or tissue changes that may interfere with inspection.<sup>192</sup> Plants should check their electrical stunning equipment daily with a voltmeter to ensure the voltage will effectively stun the animal.

Operators must be well trained and attentive to the application of the electrical current stun.<sup>193</sup>

As mentioned in the other methods of stunning, animals must be calm when moved to the stunning area and should remain calm to ensure accurate placement, and the use of electrical handling aids/ prods should be limited and avoided if at all possible and the lowest effective voltage must be used.<sup>194</sup> Similarly, all chutes, gates, alleys, restraints, holding pens, gates, floors, and other parts of the stunning areas must be built to prevent injury to the animals including addressing properly any sharp features, holes, slippery floors, and other possible issues that may cause injuries to animals.<sup>195</sup> Animals should not be in pain when in a restraining device.<sup>196</sup> The equipment should be kept “in good repair and all indicators, instruments and measuring devices must be available for inspection at all times.”<sup>197</sup>

## V. Compliance with Stunning Requirements

Because stunning is related to most humane handling violations, plants should understand the common reasons for stunning issues related to captive bolt, electrical, and firearm stunning methods.<sup>198</sup> Additional resources and best practices for training employees are listed in the Appendix below.

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<sup>186</sup> [9 C.F.R. § 313.30.](#)

<sup>187</sup> These measures include:

- Maintaining and cleaning electrodes, typically daily, to “ensure a good electrical connection;”
- Pressing the electrical stunning wand on the animal before “energizing the electrodes” “to prevent bloodspots in the meat and” vocal distress in the animal;
- Using the correct amperage on the animal based on its species and weight;
- Properly hydrating animals to prevent any electrical current resistance;
- Bleeding the animal after stunning to ensure permanent unconsciousness; and
- Placing the electrical stunning wand in the appropriate location on the animal. [Temple Grandin, Recommended Animal Handling Guidelines & Audit Guide: A Systematic Approach to Animal Welfare, 25-28 N. AM. MEAT INST. \(June 2017\).](#)

<sup>188</sup> [9 C.F.R. § 313.30\(a\)\(1\).](#)

<sup>189</sup> [9 C.F.R. § 313.30\(a\)\(1\).](#)

<sup>190</sup> [9 C.F.R. § 313.30\(b\)\(2\).](#)

<sup>191</sup> [9 C.F.R. § 313.30\(b\)\(3\).](#)

<sup>192</sup> [9 C.F.R. § 313.30\(b\)\(3\).](#)

<sup>193</sup> [9 C.F.R. § 313.30\(b\)\(1\).](#)

<sup>194</sup> [9 C.F.R. § 313.16\(a\)\(2\).](#)

<sup>195</sup> [9 C.F.R. § 313.30\(b\)\(2\).](#)

<sup>196</sup> [9 C.F.R. § 313.30\(b\)\(2\).](#)

<sup>197</sup> [9 C.F.R. § 313.30\(b\)\(2\).](#)

<sup>198</sup> Two important steps to resolve captive bolt stunning issues are accurately placing the captive bolt and having the appropriate velocity for captive bolts. For more information see: [Temple Grandin, Recommended Animal Handling Guidelines & Audit Guide: A Systematic Approach to Animal Welfare, 25-28 N. AM. MEAT INST. \(June 2017\)](#); [Faith Baier et al., Data Pinpoints Need for a Continued Focus on Stunning Efficacy and Management, National Provisioner \(2018\)](#); And [Kurt D. Vogel et al., Teachable Moments in Humane Animal Handling, National Provisioner \(2022\).](#)



Besides correcting stunning-related issues, plants may also decrease the number of notice of suspensions (“NOS”) by implementing a robust systematic approach (“RSA”) as a proactive measure.<sup>199</sup> FSIS has issued a NOIE when an improper stun occurred but an RSA was maintained along with best practices, and relatedly, a NOS because a plant did not maintain a RSA when an improper stun occurred.

Being issued an NOIE as opposed to an NOS will give a plant time to correct any humane handling issues. NOIEs are official FSIS notices to plants that FSIS intends to take enforcement action and provides the plant with a chance to prove they will achieve compliance (take the appropriate corrective actions) in a relatively short amount of time.<sup>200</sup> FSIS will monitor and verify that the corrective actions have occurred.<sup>201</sup> In contrast, a NOS is an official enforcement action that suspends all FSIS operations in the plant until the proper corrective actions are taken.<sup>202</sup> FSIS will remove all its inspector(s) and animals cannot be slaughtered until the plant’s suspension is lifted and the inspector is back in the plant.<sup>203</sup>

For more information regarding RSAs, see [A Robust Systematic Approach to Humane Handling, \(2024\)](#).

### **Humane Handling Enforcement by FSIS**

Although the HMSA does not clearly define what acts are inhumane and would trigger an enforcement action beyond the law’s slaughter requirements, the HMSA does give FSIS the authority to write and enforce regulations to ensure livestock are humanely handled.<sup>204</sup> FSIS has described several actions that they consider violations of the HMSA in Directive 6900.2 - Revision 3.<sup>205</sup> Under its regulatory authority, FSIS has the ability to suspend plants without notification for inhumane handling or slaughter.<sup>206</sup>

The relationship between the inspector and the processing facility can have a huge impact on how well the plant functions and the extent to which humane handling regulations are implemented. There is also a lot of room for interpretation of the laws and regulations as mentioned above. One inspector may interpret or consider humane handling requirements a little differently than another. Overall, all of the above regulations should be followed, and farmers should understand that not all inspectors will implement them the same.

If a violation is observed by an inspector, they will tell the plant about the issue and ask them to take steps to prevent a similar violation in the future.<sup>207</sup> If the plant fails to take steps to prevent future violations and assure the inspector that it will not occur again, the inspector can take the following actions:

1. If the facility and/or its equipment are deficient or breaking down or in disrepair, the inspector will attach a “U.S. Rejected” tag to that equipment or area of the plant. This means that equipment or area of the plant cannot be used until it is fixed and approved by the inspector.<sup>208</sup>
2. If an employee or operator caused the humane handling violation, the inspector will attach a “U.S. Rejected” tag to that area of the plant and prevent stunning from occurring until the inspector has received appropriate corrective actions to ensure a repeat violation will not occur.<sup>209</sup>

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<sup>199</sup> See [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, USDA FSIS \(Sept. 24, 2020\)](#).

<sup>200</sup> [Quarterly Enforcement Reports, USDA FSIS \(last updated Aug. 21, 2025\)](#).

<sup>201</sup> [Quarterly Enforcement Reports, USDA FSIS \(last updated Aug. 21, 2025\)](#).

<sup>202</sup> [Quarterly Enforcement Reports, USDA FSIS \(last updated Aug. 21, 2025\)](#).

<sup>203</sup> [Quarterly Enforcement Reports, USDA FSIS \(last updated Aug. 21, 2025\)](#).

<sup>204</sup> [7 U.S.C. § 1907\(b\)](#); See also [7 U.S.C. § 1902](#).

<sup>205</sup> See [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, USDA FSIS \(Sept. 24, 2020\)](#).

<sup>206</sup> [9 C.F.R. 500.3\(b\)](#).

<sup>207</sup> [9 C.F.R. § 313.50](#).

<sup>208</sup> [9 C.F.R. § 313.50\(a\)](#).

<sup>209</sup> [9 C.F.R. § 313.50\(b\)](#).

3. If the violation is an improper stun, the inspector will place a “U.S. Rejected” tag in the stunning area and stunning cannot occur until the inspector has received satisfactory corrective actions to assure an improper stun will not occur again.<sup>210</sup> IPP will verify after stunning that the animal remains unconscious.<sup>211</sup>

All livestock slaughtered prior to the violation can continue to be processed.<sup>212</sup>

While FSIS inspectors can automatically issue a NOS or suspension for a humane handling violation, they might instead issue a NOIE, which as mentioned, is less severe, to allow the plant to implement corrective actions to address their humane handling issues.<sup>213</sup>

Enforcement actions and even suspensions are often taken against plants that commit egregious humane handling violations.<sup>214</sup>

Directive 6900.2 tells FSIS inspectors what actions to take if egregious humane handling violations occur.<sup>215</sup> FSIS provides examples in Directive 6900.2 of egregious inhumane treatment including but not limited to:

- “Making cuts on or skinning conscious animals;”
- “Excessive beating or prodding of ambulatory or nonambulatory disabled animals or dragging conscious animals;”
- “Driving animals off semi-trailers over a drop off without providing adequate unloading facilities (animals are falling to the ground);”
- “Running equipment over conscious animals;”
- “Stunning of animals and then allowing them to regain consciousness;”
- “Failing to immediately (or promptly) render an animal unconscious after a failed initial stunning attempt (e.g., no planned corrective actions);”
- “Multiple ineffective stun attempts . . . .”
- “Dismembering conscious animals, for example, cutting off ears or removing feet;”
- “Leaving disabled livestock exposed to adverse climate conditions while awaiting disposition, or;”
- “Otherwise causing unnecessary pain and suffering to animals, including situations on trucks.”<sup>216</sup>

Although an egregious humane handling violation requires FSIS to take enforcement action, there is discretion in which enforcement action is appropriate.<sup>217</sup> These factors are considered when determining the appropriate action:

- Whether the plant has an RSA;
- Whether the plant has demonstrated to FSIS personnel that its humane handling plan is robust through continuous and effective implementation;
- The plant’s humane handling compliance history;
- Any “recent humane handling enforcement actions;”
- Whether suspension is appropriate for preventing further inhumane handling; and
- Whether this “egregious noncompliance” is a rare occurrence.<sup>218</sup>

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<sup>210</sup> [9 C.F.R. § 313.50\(c\).](#)

<sup>211</sup> [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, 12 USDA FSIS \(Sept. 24, 2020\).](#)

<sup>212</sup> [9 C.F.R. § 313.50\(a\).](#)

<sup>213</sup> [FSIS Compliance Guide for a Systematic Approach to the Humane Handling of Livestock, 8 USDA FSIS \(October 2013\).](#)

<sup>214</sup> [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, 17 USDA FSIS \(Sept. 24, 2020\).](#)

(“If FSIS finds that an egregious . . . noncompliance has occurred, FSIS *will* move to an enforcement action.”) (emphasis added). See [Temple Grandin, Recommended Animal Handling Guidelines & Audit Guide: A Systematic Approach to Animal Welfare, N. AM. MEAT INST. \(Jan. 2021\).](#)

<sup>215</sup> [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, USDA FSIS \(Sept. 24, 2020\).](#)

<sup>216</sup> [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, 2-3 USDA FSIS \(Sept. 24, 2020\).](#)

<sup>217</sup> [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, 17 USDA FSIS \(Sept. 24, 2020\).](#)

<sup>218</sup> [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, 17-18 USDA FSIS \(Sept. 24, 2020\).](#)

Unless an RSA is present and one or more of these other factors are favorable for the plant, FSIS will likely issue a NOS for plants that commit egregious humane handling violations.<sup>219</sup> If all of these factors are present, FSIS will likely issue a NOIE instead of a NOS.<sup>220</sup> Plants should implement an RSA and can learn about how to here: [A Robust Systematic Approach to Humane Handling, \(2024\)](#).

FSIS also has a sample checklist for compliance with all humane handling requirements in its [Compliance Guide for a Systematic Approach to the Humane Handling of Livestock](#).

The act of ritual slaughter is not evaluated unless stunning methods mentioned above are also used in addition to ritual slaughter.<sup>221</sup> The FSIS inspector evaluates humane handling up to the point of the cut and then after to ensure the animal is rendered insensible before further cutting, skinning, and dismembering occur.<sup>222</sup> Also, if the inspector observes poor slaughter practices (e.g., not a swift cut but a hacking or dull knife), then the inspector can also raise concerns with their District Office.<sup>223</sup>

Inspectors look for violations of all of the above-mentioned regulations based on the Humane Activities Tracking System (HATS) categories which are listed in both the [Humane Handling Verification for Livestock and Good Commercial Practices for Poultry](#) and the [FSIS Directive 6900.2](#) - Humane Handling and Slaughter of Livestock. Both resources provide further details as to what inspectors will look for and provide important checklists for compliance with the humane handling of animals.

### **USDA Administrative Decisions**

When plants do not comply with humane handling requirements, USDA may suspend FSIS inspections at that plant for a few days, weeks, or even indefinitely until certain requirements are met.<sup>224</sup> FSIS is more likely to suspend operations indefinitely if the plant has several humane handling violations in the last two or three years.<sup>225</sup> FSIS has suspended the plant, its owners, and other plant operators from federal inspection indefinitely or for several years.<sup>226</sup> It is important that immediate and corrective actions are taken to ensure future violations do not occur. FSIS may decide to not suspend operations if immediate corrective actions are taken.<sup>227</sup>

USDA does provide a path for plants to regain compliance with humane handling practices and have FSIS inspection reinstated at the plant.<sup>228</sup> Common provisions for reinstatement or to avoid suspension include:

- Reapplying for a grant of federal inspection;<sup>229</sup>
- Proving the plant has the proper equipment and structures in place to comply with all humane handling requirements;<sup>230</sup>
- Employing a Humane Handling lead and alternate lead to implement, manage, monitor, review and keep records for the plant's Humane Handling and Slaughter program and seeking approval for any changes for these positions;<sup>231</sup>

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<sup>219</sup> [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, 17 USDA FSIS \(Sept. 24, 2020\)](#); [FSIS Compliance Guide for a Systematic Approach to the Humane Handling of Livestock, 8-9 USDA FSIS \(October 2013\)](#).

<sup>220</sup> [FSIS Compliance Guide for a Systematic Approach to the Humane Handling of Livestock, 9 USDA FSIS \(October 2013\)](#).

<sup>221</sup> [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, 12 USDA FSIS \(Sept. 24, 2020\)](#).

<sup>222</sup> [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, 6 USDA FSIS \(Sept. 24, 2020\)](#).

<sup>223</sup> [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, 6 USDA FSIS \(Sept. 24, 2020\)](#).

<sup>224</sup> FMIA Docket No. 22-J-0026 FMIA Docket No. 24-J-0039 (2024). FMIA Docket No. 21-J-0014.

<sup>225</sup> See FMIA Docket No 21-J-0034 (in this case there was 7 in three years). FMIA Docket No. 21-J-0014 (in this case there was 5 in 2 years); FMIA Docket No. 20-J-0161 (4 violations in 2 years) .

<sup>226</sup> FMIA Docket No. 24-J-0039.

<sup>227</sup> See FMIA Docket Nos. 18-0012, 18-0013.

<sup>228</sup> FMIA Docket No. 22-J-0026 FMIA Docket No. 24-J-0039 (2024).

<sup>229</sup> FMIA Docket No 21-J-0034.

<sup>230</sup> FMIA Docket No. 16-0017, USDA.

<sup>231</sup> FMIA Docket No. 16-0017, USDA.



- Employing a humane handling coordinator;<sup>232</sup>
- Conducting an initial assessment of the plant and its humane handling practices and submitting in writing all corrective actions taken;<sup>233</sup>
- Inspecting and testing the plant and equipment;<sup>234</sup>
- Implementing and maintaining a written humane handling plan that describes how the plant will comply with all humane handling requirements;<sup>235</sup>
- Submitting to FSIS a Company Action Plan that includes guidelines, preventative measures and assurances, and corrective actions that will be taken if needed to ensure there is no inhumane handling or slaughter or cruelty of animals.<sup>236</sup> The plant must display the plan in the plant and keep documentation on the implementation of the plan;
- Providing FSIS with a report that includes any changes made to ensure compliance with all humane handling requirements;<sup>237</sup> and
- Requiring new employees to receive training and annual training for all personnel from a third party on the humane handling and slaughter requirements.<sup>238</sup>

Sometimes, FSIS requires a plant to complete these action items within a certain amount of time for the plant to be considered for federal inspection again.<sup>239</sup>

After a violation, plants may be required to hire a humane handling coordinator who is present on the slaughter floor 75% of the time during slaughter.<sup>240</sup> Plants may have to hire a third-party independent contractor to conduct an initial assessment of the “facility, operations, practices, and controls for humane slaughter and handling.”<sup>241</sup> The assessment usually includes recommendations to correct noncompliance and a plant may be required to have a written response to the assessment that describes how corrective actions were taken.<sup>242</sup> Plants may also have to certify that all facilities and equipment are operable and maintained in good condition.<sup>243</sup> Further, plants may be required to implement a written humane handling plan known as a robust systematic approach (“RSA”).<sup>244</sup> This RSA may include sections such as humane handling procedures, stunning procedures, corrective actions, maintaining slaughter equipment, and monitoring and documentation procedures.<sup>245</sup>

Upon reinstatement, USDA may also include other ongoing requirements such as:

- Reassessing the humane handling plan;
- Auditing from third-parties;
- Training employees;
- Management meetings with FSIS personnel; and
- Keeping written records.<sup>246</sup>

<sup>232</sup> FMIA Docket No. 22-J-0026; FMIA Docket No. 24-J-0039 (2024). FMIA Docket No. 21-J-0014; FMIA Docket Nos. 18-0012, 18-0013.

<sup>233</sup> FMIA Docket No. 16-0017, USDA; FMIA Docket No. 22-J-0026; FMIA Docket Nos. 18-0012, 18-0013.

<sup>234</sup> FMIA Docket No. 22-J-0026 FMIA Docket No 21-J-0034; FMIA Docket Nos. 18-0012, 18-0013.

<sup>235</sup> FMIA Docket No. 22-J-0026; FMIA Docket No. 16-0017, USDA FMIA Docket No 21-J-0034.

<sup>236</sup> FMIA Docket No. 16-0017, USDA.

<sup>237</sup> FMIA Docket No. 16-0017, USDA.

<sup>238</sup> FMIA Docket No. 16-0017, USDA.

<sup>239</sup> See FMIA Docket No. 19-0015 (given 180 days to take required actions for reinstatement).

<sup>240</sup> FMIA Docket No. 22-J-0026.

<sup>241</sup> FMIA Docket No. 22-J-0026; FMIA Docket No. 24-J-0039; see also FMIA Docket No. 21-J-0014.

<sup>242</sup> FMIA Docket No. 22-J-0026; FMIA Docket No. 24-J-0039.

<sup>243</sup> FMIA Docket No. 22-J-0026. FMIA Docket No. 24-J-0039; FMIA Docket No. 21-J-0014.

<sup>244</sup> FMIA Docket No. 22-J-0026 (2022). FMIA Docket No. 24-J-0039 FMIA Docket No 21-J-0034; FMIA Docket No. 21-J-0014.

<sup>245</sup> FMIA Docket No. 22-J-0026. FMIA Docket No. 24-J-0039.

<sup>246</sup> These written records may be in addition to a written RSA. FMIA Docket No. 24-J-0039; FMIA Docket No 21-J-0034 FMIA Docket No. 22-J-0026; FMIA Docket No. 16-0017, USDA. Plants may have to implement multiple trainings on humane handling and slaughter requirements by a qualified third party for employees, an additional one for management, and a separate training for employees who work on the kill floor. The plant must submit records of training to FSIS. See also FMIA Docket No. 21-J-0014.

USDA may require a plant to allow FSIS to inspect and verify that the plant is operating according to its written humane handling plan.<sup>247</sup> Third-party auditors may be required to conduct an assessment of whether the plant is implementing its written humane handling plan.<sup>248</sup> For example, there may be an initial audit 90 days after the reinstatement of FSIS inspection services followed by audits every 180 days thereafter for five total audits.<sup>249</sup> A plant may also have to continue to train employees in proper humane handling.<sup>250</sup> Finally, a plant may be required to keep records required by law, regulations, and under the written humane handling plan which may be reviewed by FSIS.<sup>251</sup>

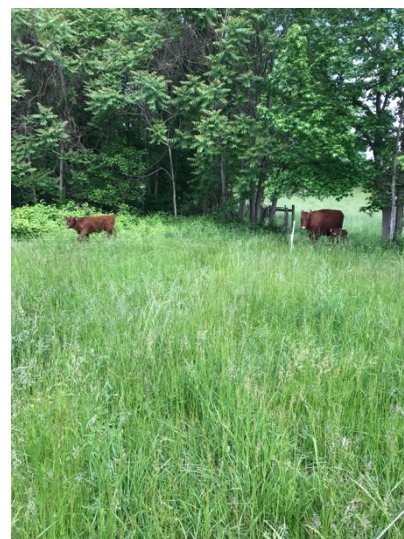
The humane handling requirements described above should be taken seriously. Violations of the HMSA may result in jail time and thousands of dollars' worth of fines.<sup>252</sup> Not only will this prevent future regulatory actions and even suspensions and possibly the delay of slaughter and processing dates, but USDA and court decisions have also resulted in large fines, probation sentences, suspending plant operations for several years, and numerous required corrective actions before inspection may start again.<sup>253</sup> Oftentimes these decisions have been made because the plant lacked the proper stunning equipment or due to failed stunning by employees.

### **State Inspected Plants**

There are also several State Departments of Agriculture that have their own meat inspection programs. Some of these programs have been around for decades while some have been introduced recently. Not every state has state inspection, and in some states, state inspection is not available for poultry.<sup>254</sup> For example, Arkansas only has state inspection for meat, not poultry.<sup>255</sup>

State meat inspected facilities slaughter and process animals so long as the products are sold within state lines.<sup>256</sup> The plant must comply with all state meat or poultry inspection laws, including the state's humane handling requirements. State laws must be the same as federal law, but a state can add additional laws so long as they do not conflict with the federal humane handling requirements and other meat processing laws.<sup>257</sup>

Usually, most state inspection program's humane handling laws are the exact same as federal law and USDA's regulations which are discussed in detail in above. State inspected plants always have an inspector on site during slaughter. When it comes to humane handling requirements for example, the Oklahoma Meat Inspection Act copies almost verbatim the HMSA for its humane handling requirements for livestock.<sup>258</sup> Oklahoma does have specific regulations for the humane slaughter of exotic animals, such as bison or buffalo, in mobile slaughter plants.<sup>259</sup>



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<sup>247</sup> FMIA Docket No. 22-J-0026, \*7 (2022).

<sup>248</sup> Abattoir Associates, Inc., 2022 WL 621124, \*8 (2022).

<sup>249</sup> Abattoir Associates, Inc., 2022 WL 621124, \*8 (2022).

<sup>250</sup> Abattoir Associates, Inc., 2022 WL 621124, \*9 (2022).

<sup>251</sup> Abattoir Associates, Inc., 2022 WL 621124, \*9 (2022).

<sup>252</sup> [21 U.S.C. 610\(b\)](#); [21 U.S.C. § 676](#).

<sup>253</sup> FMIA Docket No. 24-J-0039.

<sup>254</sup> See [States With and Without Inspection Programs, USDA FSIS \(last updated Oct. 4, 2022\)](#).

<sup>255</sup> See [USDA and Arkansas Sign Cooperative Agreement for State Meat Inspection Program, USDA FSIS \(Oct. 4, 2022\)](#).

<sup>256</sup> [21 U.S.C. § 661](#).

<sup>257</sup> See [21 U.S.C. § 661](#).

<sup>258</sup> See [Okla. Stat. Ann. tit. 2, § 6-183](#).

<sup>259</sup> See [Okla. Admin. Code § 35:37-11-91](#).



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## CHAPTER 2: HUMANE HANDLING REQUIREMENTS FOR POULTRY



The humane handling requirements for poultry are different than livestock. However, poultry must still be treated humanely during slaughter and processing.<sup>260</sup>

Unlike other types of farm animals which are required by the HMSA to be humanely handled and slaughtered, poultry are not included in the HMSA's definition of "livestock".<sup>261</sup> Because poultry is not included in the HMSA's definition of livestock, FSIS recognizes that there are no federal statutory requirements for the humane handling of poultry.<sup>262</sup>

Recent courts have upheld that FSIS does not have the authority to implement regulations requiring the humane handling of poultry. In *Animal Welfare Institute v. Vilsack*, the Animal Welfare Institute ("AWI") petitioned FSIS to implement regulations that would require the humane handling of poultry.<sup>263</sup> FSIS responded by denying the petition on the grounds that the Poultry Products Inspection Act ("PPIA") does not give FSIS the authority to implement and enforce

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<sup>260</sup> USDA policy states that poultry must "be handled in a manner that is consistent with good commercial practices, which means they should be treated humanely." [Treatment of Live Poultry Before Slaughter, FEDERAL REGISTER \(Sept. 28, 2005\)](#).

<sup>261</sup> [7 U.S.C. § 1902](#).

<sup>262</sup> [Treatment of Live Poultry Before Slaughter, FEDERAL REGISTER \(Sept. 28, 2005\)](#).

<sup>263</sup> *Animal Welfare Inst. v. Vilsack*, No. 20-CV06596 (CJS), 2022 WL 16553395, at 2\* (W.D.N.Y. 2022).



humane handling regulations for poultry.<sup>264</sup> Ultimately, the district court agreed with FSIS's denial of AWI's petition and held that "the PPIA does not provide express statutory authority to mandate the 'humane' treatment of animals, nor is poultry included in the definition of 'livestock' under the Humane Methods of Slaughter Act."<sup>265</sup>

Although there is no federal law requiring the humane handling of poultry slaughter, the slaughter of poultry is guided by federal law and regulations that encompass aspects of humane handling.<sup>266</sup>

Poultry must be slaughtered in accordance with the PPIA. PPIA considers any poultry that die by any means other than slaughter to be adulterated.<sup>267</sup> Any poultry that is considered adulterated due to mishandling during slaughter must be condemned.<sup>268</sup> For example, bruising is one condition that may result in condemnation.<sup>269</sup> Injuries are likely when birds are not treated humanely, including bruises, lesions, dislocations, fractures, and broken bones.<sup>270</sup>

FSIS also conducts ante-mortem inspection on poultry on the day of slaughter, unless emergency slaughter is necessary, and will label birds either "U.S. Suspect" or "U.S. Condemned" for poultry with certain diseases or conditions, similar to the process mentioned in Chapter 1.<sup>271</sup>

Federal regulations also require that poultry are slaughtered in compliance with good commercial practices ("GCP").<sup>272</sup> GCP make sure that poultry are treated humanely to produce a marketable and unadulterated product.<sup>273</sup>

"It is a prohibited act to slaughter poultry in any way that is not in compliance with the PPIA."<sup>274</sup> "If birds hung on the slaughter line die" prior to slaughter or are "killed in a manner that does not comply with GCP[s]," the product is deemed adulterated under the PPIA.<sup>275</sup>

## ***Complying with GCP***

Compliance with GCP increases a facility's probability of having unadulterated products and can help ensure that poultry are treated humanely.<sup>276</sup> Adherence to GCP ultimately results in fewer poultry carcasses having to be condemned.

Poultry GCP require that poultry:

- Are slaughtered in a manner where they thoroughly bled out;
- Have stopped breathing before they enter scalding; and
- Blood from the poultry carcass is "confined to a relatively small area."<sup>277</sup>

<sup>264</sup> Animal Welfare Inst. v. Vilsack, No. 20-CV06596 (CJS), 2022 WL 16553395, at 2\*-3\* (W.D.N.Y. 2022).

<sup>265</sup> Animal Welfare Inst. v. Vilsack, No. 20-CV06596 (CJS), 2022 WL 16553395, at 9\* (W.D.N.Y. 2022) (citing [Treatment of Live Poultry Before Slaughter, Food Safety and Inspection Service, USDA \(2005\)](#)).

<sup>266</sup> See Ann Baier, [Approaches to Processing Poultry Meat For Sale: Navigating Regulations Across the United States](#), NAT'L CTR. FOR APPROPRIATE TECH. (Sept. 2021) (for more information on federally inspected poultry plants).

<sup>267</sup> [21 U.S.C. § 453\(g\)\(5\)](#); [9 C.F.R. § 381.90](#). Note: Adulterated poultry should be condemned and disposed of pursuant to [9 C.F.R. § 381.95](#).

<sup>268</sup> [9 C.F.R. § 381.90](#).

<sup>269</sup> [9 C.F.R. § 381.89](#).

<sup>270</sup> See generally [9 C.F.R. § 381.90](#).

<sup>271</sup> [9 C.F.R. §§ 381.70—381.75](#); see [9 C.F.R. §§ 381.80—381.93](#), for a full list of diseases and conditions. Ante-mortem inspection can occur within 24 hours of slaughter in low-volume plants. [9 C.F.R. § 381.70\(b\)\(2\)](#).

<sup>272</sup> [9 C.F.R. § 381.65\(b\)](#).

<sup>273</sup> [FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices, 1 USDA FSIS \(July 3, 2018\)](#).

<sup>274</sup> [21 U.S.C. § 458\(a\)\(1\)](#); see also [Treatment of Live Poultry Before Slaughter, 70 Fed. Reg. 56624, 56625 \(Sept. 28, 2005\)](#).

<sup>275</sup> [FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices, 2 USDA FSIS \(July 3, 2018\)](#).

<sup>276</sup> [FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices, 2 USDA FSIS \(July 3, 2018\)](#).

<sup>277</sup> [9 C.F.R. § 381.65\(b\)](#).

A poultry slaughter facility may voluntarily implement a humane handling program to evaluate handling methods and ensure that poultry are being slaughtered in accordance with GCP.<sup>278</sup> A humane handling program for poultry can include a “systematic approach to poultry handling and slaughter” and must “focus on treating poultry in such a manner as to minimize excitement, discomfort, and accidental injury the entire time that live poultry is held in connection with slaughter.”<sup>279</sup>

A systematic approach to poultry handling and slaughter can be implemented by:

- 1) “Assessing under what circumstances poultry may experience, excitement discomfort, or accidental injury while being handled in connection with slaughter;”
- 2) “Taking steps to minimize the possibility of excitement, discomfort, and accidental injury;” and
- 3) “Evaluating periodically how poultry are being handled and slaughtered to ensure (a) that any excitement, discomfort, or accidental injury is being minimized, (b) that all poultry are slaughtered in a manner that results in thorough bleeding of the poultry carcasses, and (c) that breathing has stopped before scalding.”<sup>280</sup>

The first step of a systematic approach to poultry handling and slaughter assesses where handling and slaughter issues may arise by considering several factors such as:

- 1) Whether a facility is “providing training for its employees in handling live poultry;”
- 2) “[W]hether feed and water withdrawal is kept to the minimum level consistent with good processing practices;”
- 3) Whether a facility has “appropriately designed and maintained facilities for bird delivery to the” facility;
- 4) “[W]hether holding areas are equipped with an adequate number of fans to ensure proper ventilation for birds;”
- 5) “[W]hether stunning equipment . . . and killing equipment are constantly monitored to ensure proper functioning for humane processing;”
- 6) “[W]hether all poultry are dead before entering the scalding;” and
- 7) Whether the facility’s “personnel and equipment handle poultry in a manner that minimizes broken legs and wings.”<sup>281</sup>

The second and third steps of this systematic approach include taking action to ensure facilities prevent any GCP noncompliance and evaluating internal methods to ensure handling practices comply with GCP.<sup>282</sup>

### ***Verification of GCPs by FSIS Inspectors***

To ensure that facilities are implementing GCP, FSIS inspectors perform GCP verification inspections.<sup>283</sup> GCP verification inspections are conducted on a per-shift basis.<sup>284</sup>

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<sup>278</sup> [Treatment of Live Poultry Before Slaughter, Food Safety and Inspection Service, USDA \(2005\).](#)

<sup>279</sup> [Treatment of Live Poultry Before Slaughter, Food Safety and Inspection Service, USDA \(2005\).](#)

<sup>280</sup> [Treatment of Live Poultry Before Slaughter, Food Safety and Inspection Service, USDA \(2005\).](#)

<sup>281</sup> [Treatment of Live Poultry Before Slaughter, Food Safety and Inspection Service, USDA \(2005\).](#)

<sup>282</sup> [Treatment of Live Poultry Before Slaughter, Food Safety and Inspection Service, USDA \(2005\).](#)

<sup>283</sup> [FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices, 2 USDA FSIS \(July 3, 2018\).](#)

<sup>284</sup> [FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices, 2 USDA FSIS \(July 3, 2018\).](#)

Facilities may document GCP compliance through electronic records.<sup>285</sup> However, keeping electronic or written records is not required.<sup>286</sup> If records documenting GCP compliance are available for review, FSIS inspectors perform a weekly inspection of these records on a randomly selected day of the week.<sup>287</sup> During GCP observations, an FSIS inspector will visit and observe the receiving through the pre-scald areas.<sup>288</sup>

Although GCP compliance can be determined by viewing electronic records and video recordings, FSIS inspectors cannot use live video feed to verify GCP compliance since live video feed equipment is not able to create a record.<sup>289</sup>

Further, FSIS inspectors may observe GCP non-compliance when conducting ante-mortem and post-mortem inspections.<sup>290</sup>

[FSIS Directive 6110.1](#) and the [Humane Handling of Livestock and Good Commercial Practices in Poultry](#) are two FSIS resources with additional information on complying with GCP.

## ***Non-Compliance with GCP***

GCP noncompliance occurs when:

- Facility “employees are breaking the legs of birds to hold” them in the shackles;
- Facility employees are squeezing birds into the shackles;
- Facility employees are mishandling birds when they are transferred from cages to shackles;
- “Birds are frozen inside the cages or frozen to the cages;”
- “Birds are dead from heat exhaustion” which includes symptoms of heavy panting or dead/dying birds in cages; or<sup>291</sup>
- Facility employees are “driving over live birds with equipment or trucks in the unloading or live hang area.”<sup>292</sup>

Not all instances of poultry mistreatment or GCP non-compliance will be as explicit as the examples above. Some instances of noncompliance will require further investigation. For example, stunning equipment may malfunction which will lead to improper slaughter.<sup>293</sup> An effective stun of poultry will result in them having “an arched neck and a tucked-in wings posture.”<sup>294</sup> Signs of malfunctioning bleeding equipment include:

- An “increased number or cluster of cadavers at inspection stations”; or
- An “increased number of bruised wings or legs.”<sup>295</sup>

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<sup>285</sup> See [FSIS Directive 5000.9, Verifying Video or Other Electronic Monitoring Records](#), 2 USDA FSIS (June 24, 2011).

<sup>286</sup> [FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices](#), 2 USDA FSIS (July 3, 2018).

<sup>287</sup> [FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices](#), 2 USDA FSIS (July 3, 2018).

<sup>288</sup> [FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices](#), 2 USDA FSIS (July 3, 2018).

<sup>289</sup> [FSIS Directive 5000.9, Verifying Video or Other Electronic Monitoring Records](#), 3 USDA FSIS (June 24, 2011). In situations where FSIS inspectors see non-compliance with GCP on a live video feed, the inspector will immediately go to the location where the non-compliance occurred and stop the incident if it is still occurring.

<sup>290</sup> See [FSIS Directive 6100.3 Revision 2, Ante-Mortem and Post-Mortem Poultry Inspection](#), 2 USDA FSIS (Sept. 5, 2023).

<sup>291</sup> [FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices](#), 2 USDA FSIS (July 3, 2018).

<sup>292</sup> [Humane Handling Verification for Livestock and Good Commercial Practices for Poultry](#), 22 USDA FSIS (Oct. 1, 2021).

<sup>293</sup> [Humane Handling Verification for Livestock and Good Commercial Practices for Poultry](#), 22 USDA FSIS (Oct. 1, 2021).

<sup>294</sup> [Humane Handling Verification for Livestock and Good Commercial Practices for Poultry](#), 22 USDA FSIS (Oct. 1, 2021).

<sup>295</sup> [Humane Handling Verification for Livestock and Good Commercial Practices for Poultry](#), 22 USDA FSIS (Oct. 1, 2021).



## ***Post-Mortem Non-Compliance***

Non-compliance with GCP can also be identified during post-mortem inspection. Post-scalding, an FSIS inspector may identify adulterated poultry cadavers that show signs of being incompletely bled out.<sup>296</sup> A cadaver may have a skin coloring that ranges from cherry red to purple.<sup>297</sup> These signs suggest that the poultry died from drowning instead of exsanguination.<sup>298</sup> Any post-mortem findings of death by any means other than the approved forms of slaughter can indicate that there is GCP non-compliance.

## ***FSIS Enforcement Actions***

In the event of a facility's failure to comply with GCP, an FSIS inspector is to issue a memorandum of interview ("MOI") or a non-compliance record ("NR").<sup>299</sup> Compliance with "GCP is a process control issue and not a bird-by-bird performance standard issue."<sup>300</sup> An isolated incident of poultry mistreatment is not considered a loss of process control and will be documented as an MOI.<sup>301</sup> FSIS inspectors issue NRs "when there is a loss of process control" for handling birds and a pattern of birds:

- Dying by means other than slaughter;
- "Not being appropriately bled out;" or
- Being purposely and repeatedly mistreated by facility personnel.<sup>302</sup>

When "determining whether there has been a loss of process control," FSIS considers several factors by asking questions such as:

- "What is the problem?";
- Is the facility equipment not operating correctly?;
- "When did the problem occur?";
- "How long did the problem last?";
- How did the facility react to the problem?;
- What immediate corrective actions were taken?;
- "Were there periods of control?"; and
- "Did the problem reoccur?"<sup>303</sup>

As stated above, when there has not been a loss of process control, an FSIS inspector should only issue an MOI.<sup>304</sup> Most poultry mistreatment MOIs are issued for mistreatment prior to the kill step in the slaughter process.<sup>305</sup> The MOI provide details about the incident and discussion between facility management and the FSIS inspector.<sup>306</sup> Some examples of situations where an MOI is warranted include:

- An isolated occurrence of a bird entering the scalding tank while still breathing; or

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<sup>296</sup> [\*FSIS Directive 6100.3 Revision 2, Ante-Mortem and Post-Mortem Poultry Inspection\*, 7 USDA FSIS \(Sept. 5, 2023\).](#)

<sup>297</sup> [\*FSIS Directive 6100.3 Revision 2, Ante-Mortem and Post-Mortem Poultry Inspection\*, 7 USDA FSIS \(Sept. 5, 2023\).](#)

<sup>298</sup> [\*FSIS Directive 6100.3 Revision 2, Ante-Mortem and Post-Mortem Poultry Inspection\*, 7 USDA FSIS \(Sept. 5, 2023\).](#)

<sup>299</sup> [\*FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices\*, 3 USDA FSIS \(July 3, 2018\).](#)

<sup>300</sup> [\*FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices\*, 3 USDA FSIS \(July 3, 2018\).](#)

<sup>301</sup> [\*FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices\*, 4 USDA FSIS \(July 3, 2018\).](#)

<sup>302</sup> [\*FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices\*, 3 USDA FSIS \(July 3, 2018\).](#)

<sup>303</sup> [\*FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices\*, 3 USDA FSIS \(July 3, 2018\).](#)

<sup>304</sup> [\*FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices\*, 4 USDA FSIS \(July 3, 2018\).](#)

<sup>305</sup> [\*FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices\*, 4 USDA FSIS \(July 3, 2018\).](#)

<sup>306</sup> [\*FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices\*, 4 USDA FSIS \(July 3, 2018\).](#)

- An unusual occurrence of a high number of birds having injuries such as broken wings or legs with “no evidence of intentional mistreatment.”<sup>307</sup>

For examples of GCP non-compliance MOIs and NRs, FSIS has provided sample examples which are attached on pages 8 and 9 of FSIS Directive 6110.1.<sup>308</sup>

## ***State Laws for the Humane Handling of Poultry***

Instead of implementing their own poultry GCP or humane handling regulations, some states such as Oklahoma, Texas, and Vermont have elected to adopt the federal regulations, 9 C.F.R. Part 381, as the state regulation for GCP.<sup>309</sup> Additionally, the Texas Department of State Health Services, Meat Safety Assurance (“MSA”) published MSA Directive 6110.1 for guidance regarding GCP which closely mirrors FSIS Directive 6110.1.

Other states such as California have elected to implement their own humane handling regulations for poultry which are similar to FSIS’s but include additional requirements.<sup>310</sup> California’s poultry humane handling state regulations require:

- Cages to be of sufficient size and safe to prevent injury to poultry;
- Improper or injurious conditions should not be present at the facility;
- Poultry held at the facility should have adequate ventilation and protection from the elements;
- Poultry must be stunned and remain unconscious before and during the bleeding process;
- Inspectors are to be trained in humane handling methods for poultry;
- Slaughter and handling will be conducted humanely;
- Facility personnel that slaughter or handle poultry are to be trained in humane handling methods, operation of stunning equipment, and operation of slaughter equipment; and
- Non-commercial stunning equipment will not be used to stun poultry.<sup>311</sup>

California also released guidelines on how to humanely handle poultry and provided examples of egregious mishandling violations. Some examples of egregious mishandling of poultry include:

- Prodding a bird in “the eye, nostril, mouth, ear, or cloaca;”
- “Cutting off limbs, wings, skinning, or cutting into any bird that shows any sign” of consciousness, with the exception of religious slaughter;
- Using equipment maliciously that results in the bird breaking a bone, suffocating, or dying;
- “Dragging, hitting, kicking, or throwing a bird” to cause it injury;
- “Striking a bird” with any other object to cause it injury.<sup>312</sup>

The California poultry humane handling guidelines include methods of properly handling poultry from the time the birds are caught until they are slaughtered.<sup>313</sup> Proper handling methods include:

<sup>307</sup> [FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices, 4 USDA FSIS \(July 3, 2018\).](#)

<sup>308</sup> [FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices, 4 USDA FSIS \(July 3, 2018\).](#)

<sup>309</sup> See [Okla. Admin Code § 35:37-5-1](#); [25 Tex. Admin. Code § 221.11](#); [Guidance on the Writing of a Humane Handling Plan for Poultry, VERMONT AGENCY OF AGRICULTURE, FOOD, AND MARKETS.](#)

<sup>310</sup> See [Cal. Code Regs. Tit. 3, § 1246.2](#). See [Ann Baier, Processing Poultry Meat For Sale in California, NAT’L CTR. FOR APPROPRIATE TECH. \(Feb. 2021\).](#)

<sup>311</sup> See [Cal. Code Regs. Tit. 3, § 1246.2](#). See the entire regulation for additional requirements. This is a general overview.

<sup>312</sup> [Good Commercial Practices \(GCP\) Humane Handling Poultry, 1 CAL. DEP’T OF FOOD AND AGRIC.](#)

<sup>313</sup> See [Ann Baier, Processing Poultry Meat For Sale in California, NAT’L CTR. FOR APPROPRIATE TECH. \(Feb. 2021\)](#) (for a general overview of the California state inspection option).

- Gently removing birds from coops;
- Catching birds by their legs;
- Not catching or carrying birds by one leg;
- Never lifting, moving, or dragging a bird by the wing or neck;
- Never throwing birds;
- Gently removing birds from holding crates without lifting them by the wings;
- Ensuring holding cages are spacious enough and include cooling or warming mechanisms, as needed;
- Handling birds as little as possible until they are slaughtered;
- Placing holding crates near the hanging shackles;
- Slaughtering the birds in a reasonable amount of time which is usually two hours;
- Minimizing the amount of time birds are inverted and suspended on shackles;
- Not inverting birds for more than 60-120 seconds before stunning or death; and
- Not cutting or bleeding any conscious bird.<sup>314</sup>

Although humane handling methods of poultry are not required federally, other states may choose to implement state regulations similar to California's.

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<sup>314</sup> [Good Commercial Practices \(GCP\) Humane Handling Poultry, 1 CAL. DEP'T OF FOOD AND AGRIC.](#) See the entire document for additional requirements. This is a general overview.



## CHAPTER 3: HUMANE HANDLING REQUIREMENTS FOR EXEMPT OPERATIONS



### ***Custom-Exempt Livestock and Poultry Slaughter Operations Overview***

Humane handling laws still apply to animals handled and slaughtered at “exempt” facilities. Although custom-exempt livestock and poultry exempt slaughter operations do not have to be inspected regularly, livestock must be handled and slaughtered in compliance with the HMSA and poultry must be slaughtered in accordance with GCP.<sup>315</sup>

Custom-exempt slaughter operations are exempted from inspection under the Federal Meat Inspection Act (“FMIA”) provided that the livestock meat is for the owner of the animal or the animal owner’s household, nonpaying guests, or employees.<sup>316</sup> The FMIA defines livestock as “any cattle, sheep, swine, goats, horses, mules, or other equines” which is

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<sup>315</sup> [FSIS Directive 8160.1 Rev. 1, Custom Exempt Review Process, 5 USDA FSIS \(Apr. 25, 2022\)](#). Custom-exempt livestock slaughter operations must comply with other provisions of FMIA, not just the humane handling provisions.

<sup>316</sup> [21 U.S.C. § 623\(a\)](#); [9 C.F.R. § 303.1\(a\)](#). Custom plants typically slaughter and process meat for the use of one person, usually the owner of the animal. These facilities are not exempt from adulteration, misbranding, and record-keeping provisions. They are subject to periodic review to ensure safety and sanitation, along with the humane handling requirements mentioned in this guide.



the same definition provided in the Humane Methods of Slaughter Act (“HMSA”).<sup>317</sup> To qualify as exempt, the meat must also be kept separate from other meat or food products and marked “Not For Sale.”<sup>318</sup>

Additionally, federally inspected livestock slaughter operations may achieve custom-exempt status in certain scenarios. Federally inspected livestock slaughter operations must separate the inspected product from custom-exempt products, achieved through separation by time or space.<sup>319</sup> This means that operations must conduct federally inspected or custom-exempt slaughter processes in different areas of the plant or at different times.

The HMSA gives FSIS the authority to write regulations and conduct inspections on custom-exempt plants.<sup>320</sup> To ensure compliance with custom-exempt requirements, inspections of custom-exempt facilities are “conducted generally at a frequency of once-per-year.”<sup>321</sup> Additional inspections within the year may be conducted if there are findings of noncompliance with humane slaughter requirements, product adulteration requirements, or FSIS regulations.<sup>322</sup>

The Poultry Products Inspection Act (“PPIA”) provides several exemptions for poultry slaughter operations. These exemptions include a personal use exemption, custom slaughter exemption, producer/grower 1,000 limit exemption, producer/grower or other person exemption, producer/grower 20,000 limit exemption, small enterprise exemption, and retail exemption.<sup>323</sup> A poultry slaughter operation may only operate under one exemption simultaneously.<sup>324</sup>

When operating under custom-exempt status, for poultry slaughter operations to be exempt from inspection under PPIA, poultry meat must be processed for the owner of the bird, or that owner’s household, nonpaying guests, or employees.<sup>325</sup> Although there are no specific labeling requirements for custom-exempt poultry meat, shipping containers with these products should be marked with the owner’s name, address, and with the statement “Exempted—P.L.90-492.”<sup>326</sup>

Poultry products produced under the personal exemption and custom slaughter exemption may not be sold in commerce.<sup>327</sup> Poultry slaughter custom-exempt operations cannot achieve exemption from inspection if poultry products, capable of being used for human consumption, are bought or sold there.<sup>328</sup> As mentioned above for livestock custom-exempt slaughter, “custom-exempt poultry slaughter and processing can [also] occur at a federally inspected livestock establishment.”<sup>329</sup>

Poultry products produced under the producer/grower 1,000 limit exemption, producer/grower 20,000 limit exemption, producer/grower or other person exemption, small enterprise exemption, and retail exemption can be sold under specific conditions.<sup>330</sup>

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<sup>317</sup> [21 U.S.C. § 603\(b\)](#); See also [7 U.S.C. § 1902\(a\)](#).

<sup>318</sup> [21 U.S.C. § 623\(a\)](#).

<sup>319</sup> [FSIS Directive 8160.1 Rev. 1, Custom Exempt Review Process](#), 3 USDA FSIS (Apr. 25, 2022).

<sup>320</sup> See 7 U.S.C. §§ [1901](#), [1904](#).

<sup>321</sup> [FSIS Directive 8160.1 Rev. 1, Custom Exempt Review Process](#), 3 USDA FSIS (Apr. 25, 2022).

<sup>322</sup> [FSIS Directive 8160.1 Rev. 1, Custom Exempt Review Process](#), 4 USDA FSIS (Apr. 25, 2022).

<sup>323</sup> [Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act](#), 5 USDA FSIS (Apr. 2006).

<sup>324</sup> [Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act](#), 18 USDA FSIS (Apr. 2006).

<sup>325</sup> [21 U.S.C. § 464\(c\)\(1\)\(B\)](#).

<sup>326</sup> [9 C.F.R. § 381.10\(a\)\(4\)](#).

<sup>327</sup> [Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act](#), 6-7 USDA FSIS (Apr. 2006).

<sup>328</sup> [FSIS Directive 8160.1 Rev. 1, Custom Exempt Review Process](#), 3 USDA FSIS (Apr. 25, 2022).

<sup>329</sup> [FSIS Directive 8160.1 Rev. 1, Custom Exempt Review Process](#), 3 USDA FSIS (Apr. 25, 2022).

<sup>330</sup> [Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act](#), 9-16 USDA FSIS (Apr. 2006).

Custom-exempt poultry slaughter operations, poultry slaughter operations operating under the producer/grower 1,000 limit exemption, producer/grower 20,000 limit exemption, producer/grower or other person exemption, or small enterprise exemption must comply with GCP.<sup>331</sup>

### ***Humane Handling for Custom-Exempt Livestock Operations***

The HMSA prescribes two means by which livestock may be humanely slaughtered: 1) livestock must be “rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut” or 2) slaughtered by “ritual requirements of . . . any religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument . . . .”<sup>332</sup>

Custom-exempt plants are “expected to meet the same requirements for . . . humane handling that USDA-inspected plants must meet . . . .”<sup>333</sup> Thus, custom-exempt plants cannot commit humane handling violations.<sup>334</sup>

FSIS also recommends that custom-exempt plants implement “voluntary welfare practices” included:

- 1) Providing animals water and feed in the pens;
- 2) Maintaining the facility to prevent injury to animals;
- 3) Minimizing excitement and discomfort when livestock are driven; and
- 4) Separating ambulatory animals from nonambulatory animals.<sup>335</sup>

If the noncompliance is repeated or serious enough (e.g., egregious), an Administrative Enforcement Report (“AER”) may be issued which could lead to a criminal or administrative enforcement action including termination of custom-exempt status.<sup>336</sup>

A federally inspected plant that also does custom slaughter may continue to conduct custom livestock slaughter in the event their inspection is suspended due to a humane handling violation but should note that they must remain in compliance with humane handling requirements, or they may be subject to civil or criminal charges that can include thousands of dollars in fines.<sup>337</sup>

### ***Poultry GCP Required for Specific Exemptions***

To ensure poultry products are unadulterated, custom-exempt, producer/grower 1,000 limit exemption, producer/grower 20,000 limit exemption, producer/grower or other person exemption, or small enterprise exemption slaughter operations must slaughter poultry in accordance with GCP.<sup>338</sup> Inspectors should consider the following when determining whether GCP is being followed:

- 1) Whether the employees are trained in handling live poultry;

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<sup>331</sup> [21 U.S.C. § 464\(e\)](#). See [Ann Baier, Approaches to Processing Poultry Meat For Sale: Navigating Regulations Across the United States, NAT’L CTR. FOR APPROPRIATE TECH. \(Sept. 2021\)](#) (for more information on the exemption option).

<sup>332</sup> [7 U.S.C. § 1902](#).

<sup>333</sup> [Rebecca Thistlethwaite, Frequently Asked Questions About Using Custom-exempt Slaughter and Processing Facilities in Oregon for Beef, Pork, Lamb and Goat, 2 OR. STATE UNIV. \(July 2022\)](#).

<sup>334</sup> [FSIS Directive 8160.1 Rev. 1, Custom Exempt Review Process, 2-3 USDA FSIS \(Apr. 25, 2022\)](#).

<sup>335</sup> [FSIS Directive 8160.1 Rev. 1, Custom Exempt Review Process, 5 USDA FSIS \(Apr. 25, 2022\)](#).

<sup>336</sup> [FSIS Directive 8160.1 Rev. 1, Custom Exempt Review Process, 14-15 USDA FSIS \(Apr. 25, 2022\)](#).

<sup>337</sup> See, e.g., [FMIA Docket No. 20-J-0161](#).

<sup>338</sup> [FSIS Directive 8160.1 Rev. 1, Custom Exempt Review Process, 5 USDA FSIS \(Apr. 25, 2022\)](#); [21 U.S.C. § 464\(e\)](#).

- 2) “[W]hether feed and water withdrawal kept to the minimum level consistent with good processing practices;”
- 3) Whether the facility is designed and maintained for birds to be delivered to the facility;
- 4) Whether holding areas have plenty of fans for birds and are properly ventilated;
- 5) “[W]hether stunning equipment . . . and killing equipment [is] constantly monitored to ensure proper functioning for humane processing;”
- 6) Whether poultry are “dead before entering the scalding;” and
- 7) Whether poultry are handled in a manner to minimize broken legs and wings.<sup>339</sup>

Because noncompliance with GCP adulterates poultry products, GCP noncompliance could also trigger an AER which could lead to termination of custom-exempt status.<sup>340</sup>

Organic certified poultry producers or handlers falling under a poultry exemption are prohibited from carrying, hanging, or shackling lame birds.<sup>341</sup> Lame birds must either be euthanized or rendered insensible before shackling.<sup>342</sup> All birds hung on an automated slaughter system must be stunned prior to being bled out, except for religious slaughter.<sup>343</sup> This stunning requirement does not prohibit smaller producers from placing birds in “killing cones” before bleeding the birds out.<sup>344</sup> All birds must not be able to regain consciousness before going into the scalding tank.<sup>345</sup>

### ***State Laws for Livestock Exemptions***

States usually adopt the federal regulations for custom-exempt facilities, but some may have additional requirements. Below are two examples. Consult with an attorney and check your state’s regulations to ensure compliance in your state.

Arkansas allows for an exemption from state inspection for the custom slaughter of livestock.<sup>346</sup> To qualify for custom-exemption, the slaughtering must be done for the use of the owner of the livestock, the owner’s household, and nonpaying guests. Exempted meat is separated from inspected meat, labeled “Not for Sale,” sanitary operating conditions, and meat products will not be adulterated, mislabeled, or misbranded.<sup>347</sup> Arkansas incorporates, by reference, federal regulations for custom exempt facilities including the requirements for humane handling in 9 C.F.R. Part 313.<sup>348</sup>

Oklahoma allows for an exemption from state inspection for the custom slaughter of livestock for the use of the livestock owner, the livestock owner’s household, and nonpaying guests and employees.<sup>349</sup> Oklahoma incorporates, by reference, federal regulations for satisfying the custom slaughter exemption, such as the requirement for humane handling in 9 C.F.R. Part 313 and “Not for Sale” labeling requirements in C.F.R. Part 316.<sup>350</sup>

<sup>339</sup> [FSIS Directive 8160.1 Rev. 1, Custom Exempt Review Process, 5-6 USDA FSIS \(Apr. 25, 2022\)](#).

<sup>340</sup> [FSIS Directive 8160.1 Rev. 1, Custom Exempt Review Process, 14-15 USDA FSIS \(Apr. 25, 2022\)](#).

<sup>341</sup> [7 C.F.R. § 205.242\(c\)\(3\)\(i\)](#).

<sup>342</sup> [National Organic Program \(NOP\); Organic Livestock and Poultry Standards, 88 Fed. Reg. at 75430](#).

<sup>343</sup> [7 C.F.R. § 205.242\(c\)\(3\)\(ii\)](#).

<sup>344</sup> [National Organic Program \(NOP\); Organic Livestock and Poultry Standards, 88 Fed. Reg. at 75430](#).

<sup>345</sup> [7 C.F.R. § 205.242\(c\)\(iii\)](#).

<sup>346</sup> [Ark. Code Ann. § 20-60-204\(b\)\(3\)](#).

<sup>347</sup> [Ark. Code Ann. § 20-60-204\(b\)\(3\)](#).

<sup>348</sup> [Rules of the Arkansas Meat Inspection Program, ARK. DEP’T. OF AGRIC. \(2021\)](#).

<sup>349</sup> [Okla. Stat. Ann. tit. 2, § 6-195](#).

<sup>350</sup> [Okla. Admin. Code § 35:37-3-1](#).

## ***State Laws for Poultry Exemptions***

Some states adopt the federal poultry exempt slaughter regulations, but others may implement additional requirements for poultry-exempt slaughter facilities. Below are two examples. It is important to check your state's regulations and consult with an attorney if needed to ensure compliance with any additional state requirements.

Arkansas adopts the federal poultry slaughter inspection exemptions for poultry operations in lieu of promulgating state regulations including GCP.<sup>351</sup>

Oklahoma does not adopt federal poultry slaughter inspection exemptions across the board. Oklahoma adopts the following poultry slaughter inspection exemptions: religious dietary exemption, personal use exemption, custom slaughter exemption, and retail exemption.<sup>352</sup> Oklahoma also modifies the federal 1,000, and 20,000 producer/grower limit exemptions. Oklahoma exempts producers who slaughter no more than 250 turkeys or 1,000 of other species of poultry if, among other requirements, the poultry is "processed under sanitary standards . . . that are sound, clean, and fit for human food . . ."<sup>353</sup> Instead of a 20,000 limit exemption like the federal exemption, Oklahoma exempts producers who slaughter no more than 2,500 turkeys or 10,000 of other species of poultry, if among other requirements, the poultry is "processed under sanitary standards . . . that are sound, clean, and fit for human food . . ."<sup>354</sup> GCP are still required for these poultry exemptions in Oklahoma.<sup>355</sup>

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<sup>351</sup> [Ark. Code Ann. § 20-60-216.](#)

<sup>352</sup> [Okla. Stat. Ann. tit. 2, § 6-265.](#)

<sup>353</sup> [Okla. Admin. Code § 35:37-5-2.](#)

<sup>354</sup> [Okla. Admin. Code § 35:37-5-2.](#)

<sup>355</sup> [Okla. Admin. Code § 35:37-5-1.](#)



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## CHAPTER 4: ESTABLISHING A GOOD WORKING RELATIONSHIP WITH LOCAL PROCESSORS

When it comes to getting your livestock processed, one of the most important relationships you'll build is with your meat processor. Whether you're using a custom-exempt, state-inspected, or USDA-inspected facility, open and respectful communication can make the difference between a smooth, humane process—or a frustrating and possibly costly experience.

### ***Start With Respect and Clarity***

Processors are often overwhelmed with demand, especially in rural areas or when plants process more than one species of livestock. And, if a processing plant accepts deer during hunting season, they can get incredibly overwhelmed by the sudden surge in seasonal demand. Regardless of your reason for calling the processor, be clear, timely, and courteous when you reach out.

Here's a sample opening email or call script:

"Hi, my name is [Your Name], and I'm looking to schedule a beef slaughter for some time in [Month]. I raise animals with a strong focus on humane handling and would love to learn more about your facility and practices. Would you be open to a short conversation or tour so I can understand your process better? Please feel free to reach out by phone or text if that is easier (XXX-XXX-XXXX)."

Sometimes talking things out over the phone can be the best way to ensure that you are both on the same page. At the same time, processing plants often use different staff members to cover the front desk, and verbal messages can get lost in translation if the plant is particularly busy.

After important phone calls discussing important facts, questions, or situations, consider using the following tips:

- Send a follow-up email summarizing the conversation and documenting any next steps.
- For emails regarding processing dates and booking, include your name, contact info, requested date(s), number of animals, and any special requests.

If you have your own cut sheet, attach it early so they know what you're asking for and make sure they confirm that they reviewed it and understand the instructions before they proceed.

### ***Book Early, Confirm in Writing***

Most processors are booked months in advance. Call as early as possible—ideally as soon as you know your finishing date. Once you've booked a slot, send a written confirmation:

"Thanks for confirming my appointment for October 12 for one beef steer. I'll arrive by 7 AM as discussed. Please find attached my cut sheet and humane handling preferences. Let me know if you need anything else from me in advance."

### ***Evaluate the Facility Before Committing***

If humane handling is a top priority (and it should be), consider asking the following:



1. Can I tour your facility before scheduling?
  - Viewing their holding pens and kill floor can provide you with the confirmation you might need and can show how the animals are handled.
2. Are you comfortable with me being present on the day of slaughter or processing?
  - Some facilities allow it, some don't, which is fine, but it does not hurt to ask.
3. Do you have a Robust Systematic Approach (RSA) or humane handling plan in place for humane handling of livestock, or a Systematic Approach for the slaughter of poultry?<sup>356</sup>
  - Not all plants have a plan, but you could share this guide and other resources with them to ensure they think about and create a plan. As mentioned, having a plan can reduce the likelihood of suspension for that plant.
4. How are animals unloaded and held before slaughter?
  - Look for answers that mention quiet handling, shaded pens, water access, and short wait times.
5. Who performs the stunning and slaughter, and what training have they received?
  - Although staffing shortages contribute to slaughter access issues, it might be good to learn about the experience their staff have, and what training they go through.
6. How do you verify that stunning is effective?
  - A good answer might include monitoring for signs of consciousness and a few examples of those signs of consciousness. For example, it would be beneficial for all parties to know that checking corneal reflex on electrically stunned animals is not a reliable indicator of consciousness.<sup>357</sup> Staff preparations for use of a backup stunner or keeping records of stunning efficacy are also ways to verify this.
7. Do you use electric prods or other tools to move animals? If so, how often?
  - Occasional use of electric prods may be allowed under federal regulations, but excessive or inappropriate use can be a concern.<sup>358</sup>
  - Some tools may be better for humane handling best practices, such as using a flag or rattle paddle to make noise/visual movement that do not touch the animal at all.<sup>359</sup>
8. What steps do you take to minimize stress for animals?
  - Listen for practices like low-stress handling techniques, appropriate holding times, and experienced and/or well-trained staff.
9. How do you handle weather-related stress (heat/cold) for animals waiting to be slaughtered?
  - Ideally the plant has shelter, cooling misters, ventilation, and does not overbook slaughter days in extreme temperatures.
10. What protocol do you have for animals that arrive injured or non-ambulatory?
  - In most cases, non-ambulatory animals must be humanely euthanized and cannot enter the food supply. This is where you can work with the plant to determine how you can best help with these requirements.<sup>360</sup>
11. How far in advance do animals need to be dropped off, and what happens to them overnight?

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<sup>356</sup> You can also check their enforcement history yourself through the USDA's FSIS Enforcement Reports database, but again, it should be noted that mistakes can happen and usually plants correct those mistakes fairly quickly. Inspector discretion or error may also be part of the enforcement decision, so do not use this resource as the sole reason you decide to use or not use a plant.

<sup>357</sup> See [K.D. Vogel et al., \*Head-only followed by cardiac arrest electrical stunning is an effective alternative to head-only electrical stunning in pigs\*, J. ANIM. SCI. \(2011\).](#)

<sup>358</sup> See [Temple Grandin, \*Recommended Animal Handling Guidelines & Audit Guide: A Systematic Approach to Animal Welfare\*, 22 N. AM. MEAT INST. \(Jan. 2021\)](#) (for some audit criteria on what may constitute acceptable use).

<sup>359</sup> See [Temple Grandin, \*Recommended Animal Handling Guidelines & Audit Guide: A Systematic Approach to Animal Welfare\*, 20 N. AM. MEAT INST. \(June 2017\).](#)

<sup>360</sup> It is important to note that there are no circumstances where non-ambulatory cattle are allowed into the saleable food supply. [FSIS Requirements for Non-Ambulatory Disabled Cattle](#), USDA FSIS (last updated May 18, 2021). Note: even if the inspector says that a compromised non-ambulatory beef is alright to harvest, its going against some rules that they have to follow ([9 C.F.R. § 313.2](#), [9 C.F.R. part 309](#), and [FSIS Directive 6900.2 Rev 3](#)). In cases of acute injury with no other signs of disease, custom exempt slaughter may be allowed and should be discussed with a custom exempt plant operator before proceeding.

- Ideally, animals should not be held too long before slaughter and should have access to water. If overnight stays occur, food, water, and space to rest is also required.
12. If I have concerns about humane handling at your facility, how would you want me to bring that up with you?
- This shows you're serious about a respectful, two-way relationship—and how they respond will tell you a lot about their willingness to collaborate.

## ***Stay Professional***

You might encounter something troubling—rough handling or a communication breakdown. When that happens, document it in writing and ask for a conversation.

“Thank you so much for the services you and your staff provided. I noticed some bruising on the meat and wanted to follow up about how the animals were handled before slaughter. I’d like to better understand the process to ensure the best quality and humane treatment. Would it be possible to have a conversation about this, and if so, when is the best time?”

Approach it with curiosity, not blame. Most processors appreciate when producers care about humane handling—but no one wants to feel accused. Also note that bruises can be ‘aged’ and a result of a prior issues from transportation or even from handling on the farm.

## ***Work With More Than One Processor***

It’s risky to depend on a single processor. If a plant is suspended—even temporarily—it can leave you with no way to move your animals.

Try to build relationships with **two to three** local or regional plants, if possible, even if you only use your backup once a year.

## ***Ask About Their Humane Handling Plan***

When you're considering a processor, especially a USDA-inspected facility, one of the most important things to ask about is their **humane handling plan**. This is more than just a formality—it's the foundation of how that plant treats animals from the moment they arrive to slaughter. It can help you understand what you need to do from the moment your animals arrive at the plant too.

Think of the humane handling plan as the facility’s version of your farm’s animal welfare protocols. It's their roadmap for doing things the right way: keeping animals calm, safe, and stress-free as much as possible.

## ***Why Does This Matter?***

As mentioned above, USDA-inspected plants are legally required to handle animals humanely under the HMSA. That means animals must be moved and handled in ways that minimize pain and fear—and must be properly stunned before slaughter so they are unconscious and insensible to pain.

To prove they’re meeting these standards, many processors put together a written humane handling plan. And some go even further, following what the USDA calls a Robust Systematic Approach to Animal Welfare.

That’s a fancy way of saying they don’t just follow the rules—they actively review their procedures, look for risks, and improve their systems over time. This kind of approach means fewer mistakes, better treatment for your animals, and less chance of the plant getting shut down for a violation that affects your business too.

## ***What Should You Ask?***

Here are some clear, simple ways you can start this conversation with a processor. Start with a basic question:

**“Do you have a written humane handling plan in place?”** This tells you whether they’re taking humane handling seriously and have thought it through.

If they say yes, you can follow up with:

**“Would you be willing to walk me through the main steps?”** This can help you learn how they manage things like unloading animals, handling them in pens, ensuring effective stunning, and responding if something goes wrong.

If you want to dig deeper:

**“Are you using what FSIS calls a Robust Systematic Approach? If so, how do you implement that here?”**

If they have a Robust Systematic Approach, they should be able to tell you about things like:

- How they monitor handling practices?
- What training staff receive?
- How often they review or update their procedures?
- What backup plans they have if something goes wrong (like if a stunner fails)?

And if they don’t use this approach? That’s okay—but it’s helpful to know. It might mean the plant is smaller or has fewer resources, or it might mean they haven’t put a lot of thought into humane handling beyond the legal minimum.

## ***What Is a “Robust Systematic Approach,” Anyway?***

This term comes from [FSIS Directive 6900.2](#), which is USDA’s guidance to processors on how to create a stronger, more reliable humane handling system. The goal is to help facilities *prevent* problems before they happen.

For more information, see [A Robust Systematic Approach to Humane Handling, \(2024\)](#).



## CHAPTER 5: WHAT TO DO IF A HUMANE HANDLING ISSUE OCCURS

Even with solid planning and strong processor and inspector relationships, things can—and sometimes do—go wrong. A USDA inspector might condemn your animal. A plant could be shut down unexpectedly due to a violation. A miscommunication might leave your product mishandled. Knowing what to do in these high-stress moments can help you recover faster, protect your business, and, in some cases, pursue legal recourse.

### ***Step 1: Have a Risk Plan in Place***

Start by asking yourself:

- What will I do if my processor is shut down the day before slaughter?
- Who is my backup processor, and have I already built a relationship with them?
- Can I legally shift to selling live animals or using a custom-exempt processor temporarily?
- Do I understand the difference between custom-exempt, state-inspected, and federally inspected facilities?
- How will I communicate unexpected changes to customers or buyers?

Risk Planning Tips:

- Keep a list of alternative processors within a 2–4 hour drive;
- Build in flexible timelines for slaughter and delivery dates; and
- Remain professional even when emotions are high. The plant may only be shut down for a short amount of time and is likely working diligently to reopen and regain compliance.

### ***If a Plant is Shut Down with your Animals or Meat Inside:***

If the USDA temporarily suspends or shuts down a facility while your animal is already on the premises:

- The USDA may halt all operations until the facility corrects the violation.
- You do not automatically lose your animal, but processing may be delayed.
- Ask the plant manager:
  - “Has a Notice of Suspension been issued?”
  - “What corrective actions are being taken and when might operations resume?”

**If the issue is with your animal (e.g., signs of illness, injury, improper transport):**

- The USDA inspector may issue a condemnation
- You will usually receive a written Form 9061-2: Condemnation Notification from FSIS.

### ***If Your Animal is Condemned: Understanding Your Rights***

A condemned animal means you cannot harvest or sell the meat. To prevent this from happening at the plant, try to avoid bringing diseased, dying, ill, disabled, and similarly contaminated animals as mentioned above to the plant, especially if they are not fit for transportation or human consumption. As a reminder, the inspector will be doing a thorough ante-mortem inspection of the animals prior to slaughter as mentioned in Chapter 1 above.

If you feel as though a mistake has been made, there *is* an appeal process if you believe this decision was incorrectly made.

## ***How to Appeal a FSIS Condemnation Decision:***

1. **Act Immediately.** Try to appeal the **same day** the decision is issued.
2. **Request a Second Inspection.** You can ask for a second FSIS veterinarian or inspector to examine the animal.
3. **File a Formal Appeal if needed.** Submit a written appeal to the FSIS Frontline Supervisor or District Office. While FSIS regulations do not prohibit farmers from filing appeals, the regulation only allow meat processing plants to file a formal appeal.<sup>361</sup> The plant can file a formal appeal with FSIS if the farmer is concerned about an inspector error. Farmers hoping to appeal an ante-mortem inspection decision should ask the plant to file a formal appeal on their behalf.
4. **Request a Retain Tag.** Ask that the animal or carcass be tagged and held, not destroyed, while your appeal is pending.

### **Script Example:**

"I would like to formally appeal this condemnation. Please retain the carcass and could we work together to appeal this decision. I can follow up with a written appeal to the District Office."

## ***Tips for Working with FSIS and Appealing***

FSIS does not tolerate threats to its employees.<sup>362</sup> Remain professional even though emotions are understandably high. Any interference with FSIS personnel's investigation or any assault of an FSIS official can result in thousands of dollars of fines or jail time.<sup>363</sup>

## ***Legal Recourse for Mishandling or Negligence***

If you believe a processor or inspector caused a preventable loss (e.g., rough handling, delay that caused animal stress, improper diagnosis), here are steps to consider:

1. **Document everything** – keep:
  - Animal health records;
  - Drop-off logs;
  - Photos or video of the animal's condition at drop-off; and
  - Processor communications (texts, emails, voicemails).
2. **Request a written statement** from the plant manager or USDA inspector explaining the cause of the issue.
3. **File a complaint with FSIS:**
  - Call the FSIS District Office to file a complaint.
  - Provide names, dates, and any supporting documents.

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<sup>361</sup> See [9 C.F.R. § 381.35](#) ("Any person receiving inspection service" may appeal); [9 C.F.R. § 500.9](#) ("any establishment" under federal inspection may appeal).

<sup>362</sup> See, e.g., *FMIA Docket No. 21-J-0052*

<sup>363</sup> [21 U.S.C. § 675](#).

4. **Consider hiring a lawyer and filing a lawsuit** if monetary loss is significant and clearly due to plant or inspector negligence. This is a civil matter, not handled by FSIS. Consider the impact this could have on your relationship with the plant before pursuing litigation. If possible, discussing the issue with the plant or FSIS first may be a better approach.

***In Summary:***

- **Have a backup plan** in place before disaster strikes;
- **Act immediately** if your animal is condemned;
- **Appeal in writing** and ask for retain tags;
- **Document thoroughly** and keep your own logs; and
- **File complaints or pursue civil options** if absolutely necessary.

# CHAPTER 6: HUMANE HANDLING FROM START-TO-FINISH: TIPS FOR FARMERS

This section walks you through every stage of humane handling and communication with your processor—from booking your appointment to picking up your boxed meat. Whether you're raising animals for direct sales or working with a food co-op, clear expectations and thorough documentation are essential.

## 1. Start with a Clear Conversation

**Before you book a date**, you need to have a candid discussion with the processor. Think of this as a partnership—you're not just dropping off animals; you're working together to create a product for your customers. Be sure to engage with your processor with professionalism and respect.



**Start the Conversation with Key Questions, including the humane handling ones mentioned above:**

- What label claims can you accommodate? (e.g., “grass-fed,” “raised without antibiotics,” etc.)
- Can you apply my custom labels with logo, address, or QR code?
- Will my business name appear as the “responsible entity” on the package?
- Can you vacuum seal or use butcher paper? Are there packaging limits by weight or cut?
- How do you confirm my animals and products are kept separate from others?
- What days do you slaughter? When would I need to drop off?
- Can I tour the facility and observe unloading or slaughter?

### **Tip: Ask to See Sample Labels and Packaging**

This helps avoid surprises. If you direct market meat and your customers expect a polished product, the packaging quality matters just as much as the meat itself.

## 2. Booking the Appointment (3–6 Months Out)

Processors often book months in advance. Start with phone or in-person conversations, then confirm in writing what you’ve agreed to, especially if you need:

- Custom label approval (including business name and logo);
- Separate packaging per animal or customer;
- Traceability for certified programs (e.g., Animal Welfare Approved, organic<sup>364</sup>); and/ or
- Specific cut instructions for different customer segments.

Ask about:

- Humane handling certification (if any) and
- If they have a humane handling plan or Robust Systematic Approach.

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<sup>364</sup> A plant must be certified organic in order for your product to be labeled USDA organic. [Certified Organic, NICHE MEAT PROCESSOR ASSISTANCE NETWORK \(last visited Sept. 7, 2025\).](#)



### 3. Transportation to the Plant

The “28-Hour Law” is a federal law covering the handling of specific cattle, sheep, swine, mules, and horses during interstate transportation.<sup>365</sup> The USDA’s policy is that the law does not apply to poultry.<sup>366</sup> The law prohibits confining animals “for more than 28 consecutive hours without unloading the animals for feeding, water, and rest.”<sup>367</sup> Anyone who “knowingly and willfully” violates this law is subject to a civil penalty of at least \$206 but not more than \$1,055 per violation.<sup>368</sup>

FSIS and USDA’s Animal and Plant Health Inspection Service (“APHIS”) Veterinary Service both “have protocols for detecting violations” of the law and there are a number of regulations that describe how to comply with this law in this footnote.<sup>369</sup> It is unlikely that farmers traveling to a local area processor will need to comply with this law, but you should be prepared to comply with it if necessary.

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<sup>365</sup> [49 U.S.C. § 80502](#). While the law does not define specific any specific “animal” covered, an annotated version of the law mentions cattle, sheep, swine, mules, and horses. [The Twenty-Eight Hour Law Annotated, Act of Congress Approved June 29, 1906, C. 3594 Stat. 607.](#)

<sup>366</sup> [Vivian Chu, Brief Summaries of Federal Animal Protection Statutes, Cong. Res. Serv., 28 \(Feb. 1, 2010\) \(quoting a letter from Ron DeHaven, Administrator, to Peter A. Brandt, Esq., The Humane Society of the United States \(September 22, 2006\)\).](#)

<sup>367</sup> [49 U.S.C. § 80502](#). Animals must “be unloaded in a humane way into pens equipped for feeding, water, and rest for at least 5 consecutive hours.” The time loading and unloading the animals cannot be included in the 5-hour period. The animals must be fed and watered by the person who has custody of the animals at the time of the stop. If the person responsible for feeding, watering, and caring for the animals is not the owner, that person may bill the owner for reasonable expenses and has a lien on the animals “that may be collected in the same way that a transportation charge is collected.”

Exceptions to the law apply when:

1. The animals are being transported by air or water.
2. The animals have “food, water, space and an opportunity for rest” in the vehicle in which they are being transported.
3. The animals could not be unloaded due to an accident or situation that “could not have been [reasonably] anticipated or avoided.”
4. The owner or person in custody of the animals makes a written request for “the 28-hour period to be extended to 36 hours.”
5. When the 28-hour period ends at night, sheep can be confined “for an additional 8 consecutive hours.”

<sup>368</sup> [49 U.S.C. § 80502\(d\)](#); [Civil Monetary Penalty Inflation Adjustments, 90 Fed. Reg. 22607](#); 2025 WL 1517666 (May 29, 2025). Civil Penalty adjusted for inflation. *U.S. v. Illinois Cent. R. Co.*, 303 U.S. 239, 244 (1938) (the Supreme Court ruled that “knowingly and willfully” includes “indifference, inadvertence, or negligence of employees.”).

<sup>369</sup> The regulations contain a table specifying the amount of feed required for each species and quantity of livestock for the first and second feeding stations. Livestock can be fed in larger amounts when the owner and carrier agree, if emergency conditions occur, or there is a delay in transport. If the livestock are at the same feeding station “12 hours after the previous feed has been substantially consumed,” they should be fed again according to the table unless their arrival at the “next feeding station or final destination” would not normally be over 40 hours. Livestock should be given a generous supply of safe drinking water that does not contain ice and the troughs or other containers must be clean. [9 C.F.R. § 89.1\(a\)](#). Table available here: <https://www.ecfr.gov/current/title-9/section-89.1> [9 C.F.R. § 89.1\(b\)-\(d\)](#). [9 C.F.R. § 89.2](#). [9 C.F.R. § 89.4](#). The stock pens should be designed for feeding and watering livestock; have enough “space for all of the livestock to lie down at the same time,” clean floors made of “concrete, cinders, gravel, hard-packed earth,” or other material that drains well; and protection from the weather. If livestock are experiencing a large change in temperature during transit, extra care should be taken.

If there is plenty of space for all the animals to lie down in the cars they are being transported in, certain rules apply. Animals can be watered in the car if the facilities can provide “ample water” and make sure all the animals have “an opportunity to drink their fill.” Animals can be fed in the car if the feed is equally distributed. If the animals are “unloaded for feed and water and returned to the car for rest,” they should remain unloaded in the pens for at least 2 hours. If the animals are “unloaded for water and returned to the car for feed and rest,” they should remain unloaded in the pens for at least 1 hour.” [9 C.F.R. § 89.5\(a\)](#); [9 C.F.R. § 89.5\(b\)](#); [9 C.F.R. § 89.3](#); [9 C.F.R. § 89.3\(a\)-\(b\)](#). For hogs, water should be available for at least 1 hour; [9 C.F.R. § 89.3\(e\)](#); [9 C.F.R. § 89.3\(c\)](#); [9 C.F.R. § 89.3\(d\)](#).

See [Michelle Pawliger and Dena Jones, Animals in Transport Languish as Twenty-Eight Hour Law Goes Off the Rails, 25 Animal L. Rev. 1, 8 \(2018\).](#)

When the vehicle “enters, or is in line to enter, an official slaughter establishment's premises, the vehicle is considered to be part of that establishment's premises,” and the animals must be handled under the FSIS humane handling rules listed in 9 C.F.R. § 313.2.<sup>370</sup> FSIS Inspection Program Personnel (IPP) will assess whether the livestock look exhausted or dehydrated, and if so, determine whether the driver complied with the 28-hour law.<sup>371</sup> If they have evidence of a violation or the establishment or driver does not give the information, the IPP will contact the APHIS Area Veterinarian-in-Charge, and APHIS will investigate.<sup>372</sup>

According to industry guidelines, animals should be unloaded upon arrival at the slaughter facility, with a recommended maximum wait time of 60 minutes.<sup>373</sup> The IPP monitor the unloading and moving of the livestock and if they see inhumane treatment in handling or slaughter, they will inform the facility and direct the operator to take specific actions.<sup>374</sup>

### **Special Rules for the Transportation of Organic Livestock and Poultry**

The USDA's National Organic Program also has rules on the transportation of livestock and poultry.<sup>375</sup> Among other requirements, 7 C.F.R. § 205.242 addresses “the care of organic animals during transport and throughout the slaughter process, including care prior to slaughter and methods of slaughter.”<sup>376</sup>

Animals certified as organic must be identified as being organic, which must be traceable for the duration of transport.<sup>377</sup> The transporter has flexibility in determining the method for tracking animal's identity.<sup>378</sup> Organic livestock and poultry must be fit for transport to buyers, sale barns, or slaughterhouses.<sup>379</sup> Calves should have a dry navel cord and walk without assistance; seriously crippled and lame livestock are not fit for transport.<sup>380</sup> Seriously crippled and lame animals should either be treated until they are able to walk again or be euthanized if the animal cannot recover.<sup>381</sup>

The trailer or shipping container used to transport the certified organic animals should have “season-appropriate ventilation.”<sup>382</sup> Air flow through the trailer should be adjusted depending on the season and temperature.<sup>383</sup> Bedding, based upon the type of species and transport, should also be on the floor to keep livestock “clean, dry, and comfortable.”<sup>384</sup> This is only required when it is necessary, because there are instances when it is impossible or unsafe to

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<sup>370</sup> [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, 5 USDA FSIS \(Sept. 24, 2020\)](#). At this point, the Humane Methods of Slaughter Act (7 U.S.C. §§ [1901](#), [1902](#), and [1906](#)) applies; *Cooper v. Chicago, R.I. & P.R. Co.*, 217 F.2d 683, 686 (8th Cir. 1954).

<sup>371</sup> [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, 5 USDA FSIS \(Sept. 24, 2020\)](#).

<sup>372</sup> [FSIS Directive 6900.2 Rev. 3, Humane Handling and Slaughter of Livestock, 5 USDA FSIS \(Sept. 24, 2020\)](#).

<sup>373</sup> [AVMA Guidelines for the Humane Slaughter of Animals: 2024 Edition, 46 AM. VETERINARY MED. ASS'N \(2024\)](#). As mentioned above in Chapter 1, Animals must be moved into holding pens with access to water and access to food if held longer than 24 hours. If the animals are held overnight, the pens should also have enough space for them to lie down. [9 C.F.R. § 313.2](#). See also [Meat Institute Animal Handling Guidelines and Audit](#).

<sup>374</sup> [9 C.F.R. § 313.50](#).

<sup>375</sup> [Congressional Research Service, USDA's Organic Livestock and Poultry Standards Regulations 1 \(2023\)](#).

<sup>376</sup> [National Organic Program \(NOP\); Organic Livestock and Poultry Standards, 88 Fed. Reg. 75394, 75427 \(Nov. 2, 2023\)](#).

<sup>377</sup> [7 C.F.R. § 205.242\(a\)\(1\)](#).

<sup>378</sup> [National Organic Program \(NOP\); Organic Livestock and Poultry Standards, 88 Fed. Reg. at 75427](#).

<sup>379</sup> [7 C.F.R. § 205.242\(a\)\(2\)](#). An animal that is fit for transport is able to walk on its own.

<sup>380</sup> [7 C.F.R. § 205.242\(a\)\(2\)](#). Seriously crippled livestock are those that are able to move but are unwell. [National Organic Program \(NOP\); Organic Livestock and Poultry Standards, 88 Fed. Reg. at 75430](#).

<sup>381</sup> [National Organic Program \(NOP\); Organic Livestock and Poultry Standards, 88 Fed. Reg. at 75427](#).

<sup>382</sup> [7 C.F.R. § 205.242\(a\)\(3\)](#).

<sup>383</sup> [National Organic Program \(NOP\); Organic Livestock and Poultry Standards, 88 Fed. Reg. at 75427](#).

<sup>384</sup> [7 C.F.R. § 205.242\(a\)\(4\)](#).

provide animal bedding.<sup>385</sup> If roughage is used for bedding, it must be certified organic since the livestock is likely to consume it.<sup>386</sup> Bedding requirements do not apply to transportation in poultry crates.<sup>387</sup>

If organic animals' transportation is to exceed 8 hours, the operation must describe how it will maintain organic management and animal welfare.<sup>388</sup> These records must be available for inspection by certifying agents.<sup>389</sup> The description may include arrangements for the animals' access to water and organic feed, but allowing the animals access is not required.<sup>390</sup> The 8-hour time frame is measured from the moment all of the animals are loaded until arrival at the final destination.<sup>391</sup> The operation should also have an emergency plan in place to address potential animal welfare issues that could occur during the transport.<sup>392</sup> An emergency plan should address issues regarding animal welfare maintenance, escape, or euthanasia.<sup>393</sup>

## **4. Arrival at the Plant**

How your animals are unloaded and held impacts both meat quality and regulatory compliance.

Bring:

- Your **cut sheet**;
- Animal identification (tags, RFID, tattoos);
- Any pre-approved **labeling documentation**; and
- A copy of your **handling expectations** (yes, you can bring one!).

You can request:

- To observe unloading;
- To be present for the initial inspection (some facilities allow this); and
- A walk-through of holding pens and kill floor protocols (ahead of time).

**Look for signs of humane handling:**

- Calm movement, no shouting or electric prods;
- Adequate space and species-appropriate water;<sup>394</sup>
- Facilities kept in food repaid and non-slip surfaces; and
- Separation of species if applicable.

## **5. Slaughter & Inspection**

USDA inspectors are present at all federally inspected plants. Their role includes:

- Ante-mortem inspection, or the live animal inspection (signs of illness, injury, distress);
- Oversight of humane handling under the Humane Methods of Slaughter Act (HMSA); and

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<sup>385</sup> [National Organic Program \(NOP\); Organic Livestock and Poultry Standards, 88 Fed. Reg. at 75427.](#)

<sup>386</sup> [7 C.F.R. § 205.242\(a\)\(4\).](#)

<sup>387</sup> [Id.](#)

<sup>388</sup> [Id. § 205.242\(a\)\(5\).](#)

<sup>389</sup> [Id. § 205.242\(a\)\(5\)\(i\).](#)

<sup>390</sup> [National Organic Program \(NOP\); Organic Livestock and Poultry Standards, 88 Fed. Reg. at 75428.](#)

<sup>391</sup> [7 C.F.R. § 205.242\(a\)\(5\).](#)

<sup>392</sup> [Id. § 205.242\(a\)\(6\).](#)

<sup>393</sup> [National Organic Program \(NOP\); Organic Livestock and Poultry Standards, 88 Fed. Reg. at 75428.](#)

<sup>394</sup> For example, a nipple drinker is acceptable for pigs, but not for cattle. [Humane Handling of Livestock, 17 HUMANE SLAUGHTER ASS'N \(2013\).](#)

- Inspection of carcass, parts, and internal organs for food safety.

If you suspect mishandling or see signs like bruising, broken bones, or stress indicators in your boxed meat, you have the right to ask questions and request further review.

## ***6. Pickup and Debrief***

When you pick up your meat:

- Inspect each box and package for:
  - Correct labeling (weight, species, your business info);
  - Packaging issues (tears, freezer burn, unsealed edges); and
  - Missing or incorrect cuts.

Check for bruising or signs of stress in the meat color/texture.

### **If There's an Issue, Use This Script:**

"Hello, I noticed the [cut/label/weight] isn't quite what we expected. Was there an issue during slaughter or cutting? I'd love to understand how we can fine-tune this for next time."

Always keep records of:

- Each animal's ID, processing date, and yield;
- Any problems and how they were resolved; and
- Feedback from customers about packaging or meat quality.

## ***Quick Checklist for Humane Handling and Processing Success***

- Schedule at least 3–6 months in advance.
- Ask about custom labeling and packaging when you schedule if possible .
- Tour the facility or ask to observe unloading.
- Confirm humane handling expectations in writing.
- Document everything: transport, drop-off, inspection, and pickup.
- Debrief with the processor after pickup.



## APPENDIX: ADDITIONAL RESOURCES

- Compliance Assistance: HMSA – FSIS shares outreach initiatives, training materials and other resources to enhance humane handling
  - [FSIS Compliance Guide for a Systematic Approach to the Humane Handling of Livestock](#)
- [Summary of Federal Inspection Requirements for Meat Products](#)
- [Humane Handling Basics](#) - This training informs inspection program personnel of the regulatory requirements, verification activities, and enforcement actions for ensuring that the handling and slaughter of livestock is humane.
  - [AgLearn Course: Humane Handling Basics](#)
  - [Humane Handling Basics PPT](#)
  - [AgLearn Course: FSIS - Situation Based HH Part 1](#)
  - [AgLearn Course: FSIS - Situation Based HH Part 2](#)
- [Humane Handling Consciousness and Stunning](#)  
This training covers establishment and Inspection Program Personnel (IPP) Humane Handling (HH) responsibilities related to animal consciousness and stunning, including relevant scenarios.
  - [AgLearn Course: FSIS - Humane Handling: Consciousness and Stunning](#)
  - [Humane Handling Consciousness and Stunning PPT](#)
- [Humane Interactive Knowledge Exchange \(HIKE\)](#)
- [Recommended Animal Handling Guidelines & Audit Guide: A Systematic Approach to Animal Welfare](#) - Guide produced by the North American Meat Institute based on research by Dr. Temple Grandin.
- [Humane Handling of Livestock and Poultry Booklet](#) – An educational guidebook based on FSIS policies
- [Back to Blueprint Designs that Work - Temple Grandin](#)
- [Stunning Pigs PPT- Temple Grandin](#)
- [Stun-to-Stick Times - Electrical Stunning HSA](#)
- [Firearm Physics FSIS PPT](#)
- [Observations on Stunning Placement in Cattle - JK Shearer ISU](#)
- [Firearm Stunning for Small Plants -AMI Jennifer Woods](#)
- [Stunning Pigs with a BD Stunner - Voogd Consulting](#)
- [Electric Stunning of Pigs and Sheep - Temple Grandin](#)
- [Humane Slaughter Association - Captive Bolt Stunning](#)
- [Humane Slaughter Association - Electric Stunning](#)
- [Humane Slaughter Association - Firearms](#)
- [Electrical and CO2 Stunning, Handling and Determining Insensibility in Pigs and Sheep - 2nd Edition by Temple Grandin](#)
- [Captive Pneumatic Bolt Guns and Electrical Stunners - Bunzl](#)
- [Stunning Guide](#)
- [Humane Handling of Livestock and Poultry Booklet](#)
- [Working with your Meat Processor – ATTRA, NCAT.](#)

### **Best Practices and Compliance Guides:**

- [FSIS Directive 6900.2](#) - Humane Handling and Slaughter of Livestock
- [FSIS-2013-0003](#) - Availability of FSIS Compliance Guide for a Systematic Approach to the Humane Handling of Livestock
- [FSIS Compliance Guide for a Systematic Approach to the Humane Handling of Livestock](#) -

- [Compliance Guidelines](#) for Use of Video or Other Electronic Monitoring or Recording Equipment in Federally Inspected Establishments
- [Kurt Vogel, \*Teachable Moments in Humane Animal Handling\*, The National Provisioner \(Jun. 1, 2022\)](#)
- [Faith Baier, \*Data Pinpoints Need for a Continued Focus on Stunning Efficacy and Management\*, The National Provisioner \(Jun. 13, 2018\)](#)
- [Karly Anderson & Kurt Vogel, \*Animal Welfare Teachable Moments of 2018\*, The National Provisioner \(Jan. 14, 2020\)](#)
- [Hannah Olsen, et al., \*Humane Handling Teachable Moments from 2020\*, The National Provisioner.](#)
- [Kelsey Kuehni, et al., \*Teachable Moments from 2022\*, The National Provisioner.](#)
- [Kurt Vogel, et al., \*Teachable Moments in Humane Handling\*, the National Provisioner.](#)
- [Karly Anderson, \*Animal Welfare in Action: Teachable Moments of 2024\*, Meat + Poultry \(Jun 11, 2025\).](#)
- [Karly Anderson, et al., \*Assessment of United States Department of Agriculture Food Safety Inspection Service Humane Handling Enforcement Actions: 2018–2020\*, \*Translational Animal Science\*, Volume 7, Issue 1, 2023.](#)

#### **Resources for Poultry:**

- [FSIS Directive 6110.1, \*Verification of Poultry Good Commercial Practices\*, Food Safety and Inspection Service, USDA \(2018\).](#)
- [9 C.F.R. pt. 381.](#)
- [21 U.S.C. § 453\(g\)\(5\).](#)
- [Humane Handling Verification for Livestock and Good Commercial Practices for Poultry, Food Safety and Inspection Service, USDA \(2021\).](#)
- [Treatment of Live Poultry Before Slaughter, Food Safety and Inspection Service, USDA \(2005\).](#)
- [FSIS Directive 6100.3 Revision 2, \*Ante-Mortem and Post-Mortem Poultry Inspection\*, Food Safety and Inspection Service, USDA \(2023\).](#)
- [Humane Handling of Livestock and Good Commercial Practices in Poultry, Food Safety and Inspection Service, USDA \(2018\).](#)
- [FSIS Directive 5000.9, \*Verifying Video or Other Electronic Monitoring Records\*, Food Safety and Inspection Service, USDA \(2011\).](#)
- [Approaches to Processing Poultry Meat for Sale: Navigating Regulations Across the United States, NCAT ATTRA \(Sept. 2021\).](#)

#### **State-Specific Resources:**

- [209.01.21 Ark. Code R. §004.](#)
- [Okla. Admin. Code §35:37-5.](#)
- [Cal. Code Regs. Tit. 3, § 1246.2.](#)
- [Good Commercial Practices \(GCP\) Humane Handling Poultry, California Department of Food and Agriculture](#)
- [MSA Directive 6110.1, \*Verification of Poultry Good Commercial Practices\*, Texas Department of State Health Services, Meat Safety Assurance \(2018\).](#)
- [25 Tex. Admin. Code § 221.12.](#)
- [25 Tex. Admin. Code § 221.11.](#)
- [Guidance on the Writing of a Humane Handling Plan for Poultry, Vermont Agency of Agriculture, Food, and Markets.](#)

#### **Additional Resources for “Exempt” Facilities:**

- [FSIS Directive 8160.1 Rev. 1 \*Custom Exempt Review Process\*, U.S.D.A. \(2022\).](#)

- [Rebecca Thistlethwaite, \*Frequently Asked Questions About Using Custom-exempt Slaughter and Processing Facilities in Oregon for Beef, Pork, Lamb and Goat\*, OR. STATE UNIV. \(2022\).](#)
- [FSIS Guideline for Determining Whether a Livestock Slaughter or Processing Firm is Exempt from the Inspection Requirements of the Federal Meat Inspection Act, U.S.D.A. \(2018\).](#)
- [Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act, U.S.D.A. \(2006\).](#)
- [“Custom Exempt” Slaughter: The Exception, or the Rule?, NAT’L AG. L. CTR. \(2021\).](#)
- [Beth Rumley, Q&A: Custom exempt slaughter and processing, NAT’L AG. L. CTR.](#)
- [FSIS Directive 6900.2 Rev. 3 Humane Handling and Slaughter of Livestock, U.S.D.A. \(2020\).](#)
- [Poultry Map and Chart, FARM-TO-CONSUMER LEGAL DEFENSE FUND \(last visited November 4, 2024\)](#)

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