

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE  
WASHINGTON, DC

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# FSIS NOTICE

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06-10

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## HUMANE HANDLING AT ALL ENTRANCES AND THE TWENTY-EIGHT HOUR LAW

### I. PURPOSE

A. This notice provides inspection program personnel (IPP) with instructions to verify that establishments using secondary (or alternative) entrances or pathways to move livestock to slaughter are compliant with the statutory and regulatory requirements for livestock facilities, equipment used to handle livestock, and other handling and driving practices. Secondary entrances or pathways (e.g., alleyways, doorways, passageways) are considered to be potential routes of movement to slaughter that differ from the route that the normal livestock population (ante-mortem inspected and passed livestock) follows.

B. This notice also provides instructions to IPP related to the Animal and Plant Health Inspection Service (APHIS) Twenty-Eight Hour Law.

### II. BACKGROUND

A. FSIS is issuing this notice in response to concerns about establishments' use of entrances or equipment that could result in inhumane treatment of animals, and in response to a petition for FSIS to provide IPP with instructions related to APHIS' Twenty-Eight Hour Law.

B. FSIS plans to incorporate the instructions in this notice into FSIS Directive 6900.2, Humane Handling and Slaughter of Livestock.

### III. SECONDARY ENTRANCES

A. In addition to the verification activities that IPP are now conducting under the Humane-handling Activities Tracking System (HATS), IPP are to verify that animals are not brought into the establishment through entrances or pathways where:

1. IPP may not be aware that the animals are being moved and, therefore, may not be able to determine whether the animal is eligible for slaughter for human food (e.g., this situation would occur if non-ambulatory disabled cattle, deads, or

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uninspected animals are brought into the establishment through a secondary or alternative entrance);

2. The nature of the entrance may lead to the inhumane handling of the animal (e.g., the entrance is so small that the animal may be hurt); or
3. The equipment used, or the lack of equipment, may lead to inhumane handling of the animal (e.g., lack of ramps or slippery ramps).

**NOTE:** This notice is not meant to cause IPP to prohibit the use of alternative entrances. The purpose of the notice is to provide IPP with a means to verify that all livestock that enter the establishment are doing so under conditions that meet the relevant statutory and regulatory requirements.

B. IPP are to verify that the situations described in the preceding paragraph are not occurring at the establishment. They are to do so by making observations while performing Inspection System Procedure (ISP) code 04C02 for any evidence that animals are being moved through secondary entrances, or there are any of the others listed problems. They are to make observations under HATS Category VIII - *Stunning Effectiveness*, because this category is typically near the location of secondary or alternative entrances.

C. If IPP find evidence that the situation described in III.A.1. has occurred, they are to control the condemned livestock (see 9 CFR 309.13) and take a control action (9 CFR 500.2) by tagging the entrance to prevent the use of the entrance. If the situations in III. A. 2.-3., occur, IPP are to document noncompliance and take regulatory control actions (e.g., tagging equipment, alleyways, and pens). (See 9 CFR 313.50 and FSIS Directive 6900.2).

#### **IV. TWENTY-EIGHT HOUR LAW**

A. Under the Twenty-Eight Hour Law, transporters are required to stop to provide animals with food, water, and rest. Transporters who have deprived livestock of food, water, or rest for more than 28 hours are in violation of the Twenty-Eight Hour Law (49 USC 80502).

B. If livestock arriving on a transport vehicle appear exhausted or dehydrated, IPP are to ask establishment management whether the truck driver stopped within 28 hours to provide the animals rest, food, and water. If the truck driver or establishment is unwilling to provide information, or if IPP believe the condition of the animals could be the result of being deprived of rest, food, and water for over 28 hours, IPP are to contact the APHIS, Area Veterinarian-in-Charge, via their FSIS chain of command, so that APHIS can conduct an investigation.

Refer questions regarding this notice to the Policy Development Division through askFSIS at <http://askfsis.custhelp.com> or by telephone at 1-800-233-3935.

A handwritten signature in black ink, appearing to read "Amy S. Duffin". The signature is written in a cursive style with a large initial "A".

Assistant Administrator  
Office of Policy and Program Development