

Questions and Answers

FSIS Directive 6100.1

ANTE-MORTEM LIVESTOCK INSPECTION

NOTE: To assist in organization of these Q&As, questions are organized according to the outline of FSIS Directive 6100.1. Where appropriate, some questions will address areas not specifically covered by the directive. Not all sections have questions.

I. Verifying an Establishment's Voluntary Segregation Procedures before Ante-mortem Inspection for Livestock

- Veterinary Services (VS) permits
- Ante-mortem in Swine HACCP-based Inspection Models Project (HIMP) plants

II. Ante-mortem Livestock Inspection

- Steps inspection program personnel are to follow for inspecting livestock ante-mortem
 - Application of non-ambulatory disabled to bob veal
 - Humane handling of non-ambulatory disabled animals on ante-mortem inspection
 - Use of electrical prods
 - Use of hobbles
 - Use of hip hoists
- Suspect livestock (US Suspects)
- Public Health Veterinarian (PHV) verification of cattle that become non-ambulatory disabled after ante-mortem inspection
- Condemned livestock
 - Disposition of animals slaughtered without ante-mortem inspection
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- Delayed slaughter
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III. Documentation and Enforcement

I. Verifying an Establishment's Voluntary Segregation Procedures before Ante-mortem Inspection for Livestock

Q1. Are Canadian cattle eligible for voluntary segregation procedures?

A1. No. With the advent of BSE regulations, no cattle are eligible for voluntary segregation procedures.

VS Permits

Q2. In FSIS Notice 46-05, it says that livestock arriving under an APHIS VS certificate are not eligible for plant segregation procedures. Based on FSIS Directive 6100.1, are Canadian hogs now eligible for voluntary segregation of livestock?

A2. Yes. FSIS Notice 46-05 did not factor in the transport of healthy imported livestock to slaughter establishments under APHIS permit. While all cattle are automatically precluded from voluntary segregation procedures, all imported market swine, sheep, and goats from Canada arriving under APHIS Permit Forms VS-17-30 and 17-33, "Inspection Report of Establishment for Immediate Slaughter of Import Animals," are eligible for voluntary segregation procedures provided all such swine, sheep, and goats are identified and examined as a group by inspection program personnel at the time of ante-mortem inspection.

Q3. Are animals that arrive under an APHIS VS 1-27 Form eligible for voluntary segregation of livestock?

A3. No. VS Form 1-27 is typically issued when animals are released from a quarantined farm or feedlot. Since the reasons shipping under permit are not always clear, such animals are not eligible for voluntary segregation procedures.

Ante-mortem in HIMP Plants

Q4. Are all swine slaughtered in a HIMP plant eligible for all at rest and 10% in motion ante-mortem inspection?

A4. Yes. Swine HIMP plants are in effect performing voluntary segregation. Under HIMP, FSIS is required to verify that 100% of all animals to be slaughtered are presented for ante-mortem inspection.

Q5. Are Canadian hogs presented for slaughter at HIMP establishments eligible for voluntary segregation?

A5. Yes, provided any segregated animals are identified and examined at ante-mortem.

II. Ante-mortem Livestock Inspection

Steps in-plant personnel follow for inspecting livestock at ante-mortem

Q6. What is "presented" for slaughter? Can the animals be removed from the premises if not presented?

A6. Animals that are presented for slaughter are animals identified by the establishment to inspection program personnel for ante-mortem inspection. Animals that have not been presented for inspection may be removed from the premises provided they have no other Federal or State restrictions placed on them. If the animals have been presented or have been designated as US Suspect or US Condemned, they can only be removed with the permission of the Program Personnel after permission has been obtained from the local, state, or Federal officials having jurisdiction per 9 CFR 309.2.

Application of non-ambulatory disabled status to bob veal

Q7. Are there any special considerations for bob veal as it is normal for cattle of this age to spend a significant proportion of their time in recumbence?

A7. There are no special considerations for bob veal calves. However, the final rule has clarified veal calves that are cold and tired may be set aside for treatment as per 9 CFR 309.13(b). Conditions commonly observed in veal calves can readily be treated before presenting the animals for slaughter.

Q8. Are bob veal calves subject to condemnation if non-ambulatory?

A8. Yes. All cattle (i.e., bovines of species *Bos taurus* or *Bos indicus*) including veal calves are subject to the provisions of the non-ambulatory disabled rule. The existing regulatory provisions providing for treatment of animals on site or transport to another location for treatment continue to be in effect.

Humane handling of non-ambulatory disabled animals on ante-mortem

Q9. If a non-ambulatory disabled animal is brought on the premises of an official establishment, but not removed from the transport vehicle and not presented for inspection, what is FSIS' role?

A9. FSIS is to ensure that the animal is humanely handled.

Q10. How should an ambulatory animal with a broken leg be handled before ante-mortem inspection? After ante-mortem inspection?

A10. Ambulatory livestock with a broken leg should be driven as little as possible to prevent inhumane handling during ante-mortem inspection. If the animal is passed for slaughter, it should be handled as humanely as possible while moving to the stunning area. In some cases, it may be appropriate for the establishment to stun the animal in the pen area to minimize discomfort, rather than forcing it to walk to the stunning area.

Animals that become disabled with a broken leg after ante-mortem inspection should be handled as described above. Once an animal has passed ante-mortem inspection and then has become non-ambulatory disabled with evidence of an acute fracture, such an animal should be re-examined by the PHV where at such time, the animal may once again be passed for slaughter.

Q11. If a cow refuses to rise during ante-mortem inspection, should she be condemned at that time?

A11. Not necessarily. During ante-mortem inspection, the animal is condemned once the PHV has determined the animal to be non-ambulatory disabled. The PHV has the discretion to delay making a disposition and may re-examine an animal prior to making a final disposition. Any cow condemned as non-ambulatory disabled with certain underlying conditions may be set aside for treatment (see FSIS Directive 6100.1, Ante-mortem Livestock Inspection, VII. B. 6)(309.13(b)). The program employee will verify that the establishment is handling the animal humanely.

Q12. Do the above answers mean that if a bovine does not rise spontaneously, it is to be condemned as non-ambulatory disabled?

A12. During ante-mortem inspection, an animal presented for inspection that is unable to rise or walk is considered non-ambulatory disabled and is condemned. PHVs will use their professional judgment in determining when a bovine is unable to rise or unable to walk.

Q13. If a beef animal condemned for being non-ambulatory disabled rises and walks unassisted, can the PHV's disposition of a non-ambulatory disabled animal as being condemned be reversed?

A13. Yes. When justifiable, the PHV has the authority to change his or her disposition. The plant has the option to appeal any inspection decision per 9 CFR 306.5.

Q14. Can a non-ambulatory disabled animal be treated and re-presented for ante-mortem inspection?

A14. A non-ambulatory disabled animal exhibiting any of the underlying conditions described in 9 CFR 309.2, 309.3, or 309.13(b), may be treated on premises by the establishment (see FSIS Directive 6100.1, Ante-mortem Livestock Inspection, VII. B. 6). The Agency employee will verify that the establishment is handling the animal humanely.

Upon approval by the PHV after sufficient time for treatment and recovery, the animals may be re-presented for ante-mortem inspection. All such treated animals may be handled as US suspects.

Q15. What is the definition of a non-ambulatory disabled animal? Are the plant employees and management, who are not licensed veterinarians, supposed to make a diagnosis that a given animal is a healthy recumbent one or is a non-ambulatory disabled one?

A15. The condition of non-ambulatory disabled is described in 9 CFR 309.2(b):

(b)...Non-ambulatory disabled livestock are livestock that cannot rise from a recumbent position or that cannot walk, including, but not limited to, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column, or metabolic conditions.

The plant may implement procedures to determine whether livestock are non-ambulatory disabled before PHV disposition, provided that the procedure does not result in inhumane treatment.

Q16. Plant personnel are called upon to present a pen of cattle for ante-mortem inspection, where the inspection program employee will first observe the cattle in the pen at rest. A plant employee will then enter the pen and move the animals. If one of the animals decides not to stand and walk, how are inspection personnel to proceed?

A16. The PHV must presume all animals were presented for ante-mortem inspection by the establishment and make a final disposition on all animals presented. If the animal is unable to rise and ambulate, the animal is condemned as a non-ambulatory disabled animal, and a US Condemned tag is placed on the ear as per 9 CFR 309.18 and 309.13.

The PHV has the discretion to postpone making a final disposition if warranted.

Q17. If a non-ambulatory disabled beef animal is condemned on ante-mortem, is the plant required to destroy the animal immediately? Or would the plant be allowed to hold the animal in the pen by itself with accessible water until such a time as the animal chose to stand and walk on its own?

A17. There is no requirement any livestock animals identified as US Inspected and Condemned on ante-mortem be destroyed immediately. However, all US Inspected and Condemned animals must be destroyed under FSIS inspection.

Before presenting such animals for ante-mortem inspection, FSIS encourages plants to determine systematically which recumbent beef animals (i.e., which are not non-ambulatory disabled) should be presented for inspection.

The PHV also has the option to delay his final disposition pending further examination. Once a beef animal is determined to be non-ambulatory disabled

the animal is condemned and is to be killed by the establishment per 9 CFR 309.13. The PHV may allow beef animals condemned as non-ambulatory disabled with underlying conditions, at the establishment's request, to be held apart and treated (see FSIS Directive 6100.1, Ante-mortem Livestock Inspection, VII. B. 6). The Agency employee will verify that the establishment is handling the animal humanely.

9 CFR 309.13(b) Any livestock condemned on account of ketosis, swine erysipelas, vesicular diseases, grass tetany, transport tetany, parturient paresis, anasarca, anaplasmosis, leptospirosis, listeriosis, or inflammatory condition including pneumonia, enteritis, and peritonitis may be set apart and held for treatment under supervision of a Program employee or official designated by the area supervisor. The U.S. Condemned identification tag will be removed by a Program employee following treatment under such supervision if the animal is found to be free from any such disease.

(c) Livestock previously affected with listeriosis, including those released for slaughter after treatment under paragraph (b) of this section, shall be identified as U.S. Suspect.

Q18. Placing a U.S. Condemned tag in an animal's ear by piercing it with a hog ring causes the animal pain. This can be enough pain on occasion to cause the animal to stand up and walk away. How should inspection proceed in this circumstance?

A18. Placing an ear tag in an animal is an acceptable practice when performed by a competent skilled inspector or plant employee (9 CFR 309.13 and 309.18). If the animal gets up and walks, and there is no other reason to hold the animal, then the animal should not be condemned as a non-ambulatory disabled animal.

Use of Electrical Prods

Q19. Can an establishment minimally use the electric prod as its criteria to determine if a down animal is non-ambulatory disabled?

A19. Yes. However, it is considered inhumane to prod with an electrified device an animal that has been determined to be non-ambulatory disabled.

Q20. 9 CFR 313.2(b) prohibits the excessive use of electric prods (e.g., hot shot) while FSIS Directive 6100.1, p. 6., states, "FSIS does not consider forcing an animal to stand or ambulate by kicking or prodding (e.g., electrical prodding) to be humane." What is the difference?

A20. The restriction in the FSIS Directive 6100.1 applies to prodding of non-ambulatory disabled livestock versus driving healthy livestock referred to in the regulation.

9 CFR 313.2(b) indicates the use of an electric prod to drive animals should be kept at a minimum:

(b) Electric prods, canvas slappers, or other implements employed to drive animals shall be used as little as possible in order to minimize excitement and injury. Any use of such implements which, in the opinion of the inspector, is excessive, is prohibited. Electrical prods attached to AC house current shall be reduced by a transformer to the lowest effective voltage not to exceed 50 volts AC.

In contrast, FSIS Directive 6100.1, page 6, item 7 under “Suspect Livestock,” states that it is inhumane to prod with an electrified device an animal that has been determined to be non-ambulatory disabled.

Q21. In effect FSIS Directive 6100.1 is prohibiting the use of electric prods as a means to get animals to rise from a recumbent position. Is there an inconsistency between 9 CFR 313.2(b) and FSIS Directive 6100.1 regarding the humane use of electric prods?

A21. No. The directive indicates the use of an electric prod to drive animals should be at a minimum and does not preclude the use of an electric prod to drive healthy animals that may be recumbent. However, it may be prudent for an establishment to have a program or means to evaluate and determine the status of a recumbent animal (i.e., not non-ambulatory disabled) before using an electric prod. As stated above, the directive indicates electrical prodding of non-ambulatory disabled animals that cannot rise is considered inhumane.

Q22. Does FSIS Directive 6100.1 indicate animals can be “hot-shotted” twice without “tailing up” before determining they are non-ambulatory?

A22. The directive does not prohibit judicious and minimal use of an electric prod to drive healthy animals that may be recumbent. The directive does not indicate how, how much, or how often an animal can or may be prodded. Per 9 CFR 313.2(b), electric prods should be used as little as possible to minimize excitement and discomfort.

The inspector should discuss the directions from this directive with the District Veterinary Medical Specialist (DVMS), PHV, or Front-line supervisor (FLS) if there is any question regarding inhumane handling. The establishment is encouraged to determine systematically which recumbent animals are able to rise and to keep in mind that it is considered inhumane to excessively electrically prod even a recumbent otherwise healthy animal.

Q23. Is the establishment allowed to use an electric prod to get these animals up before FSIS inspection personnel are present for ante-mortem inspection, and if not, then is electric prod use completely forbidden on any animal that is lying down?

A23. Yes, plants are allowed to use an electric prod before inspection; however, it may be wise for the plant to discuss the plant's procedures with the PHV in advance. The directive does not prohibit judicious and minimal use of an electric prod to drive healthy animals that may be recumbent. The establishment must handle all animals at all times in a humane manner. The PHV or inspector may observe handling of animals before, during, and after ante-mortem inspection and will take immediate control action if inhumane handling is observed.

The establishment should carefully and systematically determine the best way to get recumbent animals to rise keeping in mind that it is considered inhumane to prod excessively even a recumbent otherwise healthy animal.

Q24. Would the restriction on the use of electrical prods also apply to haulers or owners of livestock on the official premises trying to unload an animal that is lying down in the truck or trailer?

A24. Yes.

Q25. Does one instance of electric prod use on animals lying down constitute a serious infraction thereby requiring the ante-mortem pens to be tagged and the withholding of inspection?

A25. Not necessarily. Other than for non-ambulatory disabled animals, the directive does not preclude the minimal use of a prod on an otherwise healthy recumbent animal. For recumbent animals whose status has not been determined, the appropriate and judicious use of the electric prod will have to be determined on a case by case basis. We encourage plants to develop their own program to systematically evaluate and handle non-ambulatory disabled livestock with input from their District Veterinary Medical Specialist (DVMS), PHV, or FLS in advance.

Q26. Is there a policy change regarding electrical livestock prods not to exceed 50 volts output from either AC house current or battery powered?

A26. No. As stated above, the directive indicates electrical prodding of non-ambulatory disabled animals that cannot rise is considered inhumane. As before, any use of such implements used to drive ambulatory animals regardless of the voltage which, in the opinion of the inspector, is excessive, is prohibited. In accordance with 9 CFR 313.2(b):

Electrical prods attached to AC house current shall be reduced by a transformer to the lowest effective voltage not to exceed 50 volts AC.

Hip Hoists

Q27. Can a bovine animal that ambulates on her own after being raised with a hip hoist on ante-mortem inspection be passed for slaughter?

A27. No. Hip hoists or any other form of assistance that lifts the animal may not be used to present animals for ante-mortem inspection. Animals presented for ante-mortem inspection that require the use of a hip hoist to rise or to walk are considered non-ambulatory disabled and condemned per 9 CFR 309.2 and 309.3(e).

Q28. Can hip hoists be used to treat animals that have not been presented for ante-mortem inspection?

A28. FSIS requires all animals treated on premises be treated humanely. A hip hoist can be used to treat animals not presented for ante-mortem inspection. However, hip hoists used to treat animals on premises must be used in a humane manner.

FSIS has no policy that specifically prohibits the use of a hip hoist to treat animals on premises; however the use of a particular hip hoist may be deemed inhumane by the inspector. Such arrangements may be discussed in advance with the DVMS, PHV, or FLS when appropriate. A hip hoist should not be used as a substitute for a sling and should not carry the entire weight of the animal (i.e., dead weight).

Only after conclusion of treatment and after a suitable time as determined by the Program employee or official designee, animals treated under supervision of a Program employee or official designee may then be presented for ante-mortem inspection. Treated animals must demonstrate they are able to rise or ambulate on their own without assistance to be eligible for slaughter per 9 CFR 309.13(b).

Q29. Is “tailing up” an acceptable practice to raise a recumbent animal?

A29. The suitability of “tailing up” depends on the meaning of the term. The degree and extent of “tailing up” may be no more noxious than an electrical prod when getting a recumbent animal to rise (i.e., slight) or may be considered inhumane (i.e., extreme). Lifting a cow by the tail is not acceptable when presenting an animal for slaughter during ante-mortem inspection in any circumstance. Such animals that must be lifted in order to rise or walk meet the definition of “non-ambulatory disabled” per 9 CFR 309.2(b) and are condemned. The plant should consult with the DVMS, PHV, or FLS for consensus and additional input.

Hobbles:

Q30. Can an animal that shows evidence of previously having a restraint placed on the hind legs to prevent splitting (hobbled), passes ante-mortem inspection, and becomes non-ambulatory disabled be passed for slaughter?

A30. No. Unless there is evidence of acute injury, a previously hobbled animal that passed ante-mortem inspection (ambulatory) and becomes non-ambulatory disabled is condemned. Evidence of previously being hobbled is evidence of a non-acute chronic injury. FSIS Directive 6100.1 states that the PHV is to re-inspect the animal to determine whether an acute injury is the basis for the animal going down:

1. PHVs are to reassess and determine the disposition of cattle that become non-ambulatory after having passed ante-mortem inspection on a case-by-case basis to determine if the cattle are eligible to proceed to slaughter (9 CFR 309.3(e));

If there is no evidence of acute injury, the animal is considered to be non-ambulatory disabled and should be condemned as per Section VII. C. of Directive 6100.1.

PHV Verification of animals that become non-ambulatory disabled after ante-mortem inspection

Ante-mortem Condemnation:

Q31. If a livestock animal has a head tilt clearly from a tick infestation or ear infection, is it automatically condemned for a CNS disorder?

A31. Animals exhibiting any systemic, nervous, toxic, or other conditions affecting the nervous system outlined in 9 CFR 309.4 are to be condemned. A head tilt may be the result of a localized or CNS condition. If a PHV is able to identify the underlying cause of a localized condition not specified in 9 CFR 309.4, such animals may be passed as a US Suspect or for slaughter. The PHV should make his disposition using his professional judgment based on a thorough ante-mortem inspection. The PHV also has the option to hold an animal per 9 CFR 309.3(d) to further evaluate an animal before making a final disposition on ante-mortem.

Q32. Are all blind livestock condemned?

A32. Not necessarily. FSIS regulations do not specifically say all blind livestock are condemned. Blindness associated with any systemic, nervous, toxic,

infectious, or other active conditions outlined in 9 CFR 309.4 observed on ante-mortem inspection warrant condemnation.

Q33. Is the establishment allowed to withhold certain livestock from slaughter, humanely euthanize, and dispose of them without presenting them for FSIS inspection? Can FSIS require the establishment to present such animals for inspection to prevent an animal with a foreign animal disease from going un-noticed?

A33. Yes, the establishment may elect to humanely euthanize livestock and dispose of the carcasses without presenting them for FSIS inspection. However, as a result, plant and FSIS inspection personnel should be alert to the possibility that the presence of a foreign animal disease might go unnoticed when the plant handles or processes condemned livestock without inspection. Such concerns are worthy of discussion at plant and work unit meetings.

Per 9 CFR 309.3(a), all dead livestock on premises shall be condemned and disposed of in accordance with 9 CFR 309.13.

Disposition animals slaughtered without ante-mortem inspection

Q34. If a Federally inspected plant slaughters a bovine without ante-mortem inspection, does the plant have the option of sending the carcass out as custom exempt or giving it to plant employees?

A34. No. According to FSIS Directive 6100.1, such an animal would be condemned and must be disposed of in accordance with 9 CFR 314. In support of this decision, 9 CFR 311.27 states, "The parts and carcasses of cattle slaughtered in the absence of an inspector shall not be used for human food."

Custom slaughtered animals

Q35. What is the FSIS policy on custom slaughter of non-ambulatory disabled cattle? For example, if a producer has an animal that he/she wants killed for consumption by his/her own family, and the animal has a broken leg that cannot walk, can he/she take it to a custom plant and have it slaughtered for his or her own use, (i.e., not for sale)?

A35. All non-ambulatory disabled cattle are to be precluded from the human food chain, are not for human food, and are to be condemned. This determination derives from the Section 1 (m)(3) of the Federal Meat Inspection Act (21 U.S.C. 601 (m)(3)). Specifically, the term "adulterated" shall apply to any carcass, part thereof, meat, or meat food product under one or more of the following circumstances: if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food.

Cattle with a broken leg that are still ambulatory may be custom slaughtered under 9 CFR 303.1.

Q36. If a federally inspected establishment has a non-ambulatory disabled cow that it mistakenly or inappropriately intends to slaughter as "custom exempt", should the on-site FSIS inspector segregate it and call a PHV so it can be condemned?

A36. If the federally inspected establishment is preparing to custom slaughter a non-ambulatory disabled cow (cattle) at a federally inspected establishment, then the animal should be controlled by the inspector using a suitable retain tag with a FSIS padlock (if necessary) until the PHV can condemn it. If the animal has not been presented for inspection and could possibly be removed from the premises without FSIS permission, and there is reason to believe it will be taken elsewhere for slaughter, FSIS inspection program personnel should promptly identify the animal as "US Inspected and Condemned", retain it in a pen using a US Retained Tag or FSIS padlock, and notify the PHV, FLS, and District Office (DO).

If the establishment is non-federally inspected custom-exempt only operation, the reviewing officer should contact the DO. The DO will contact the Office of Program Evaluation, Enforcement and Review.