



**Downer Animals In The Food Supply**  
**AFBF Policy Development**  
**May 2014**

**Issue:**

USDA Food Safety and Inspection Service (FSIS) regulations require that all animals found to be non-ambulatory at ante-mortem inspection (or those that become non-ambulatory after the ante-mortem inspection but before processing) be condemned. Clearly, animals downed due to an illness need to be removed from the processing system. However, there are cases where animals are non-ambulatory not because of illness (e.g., a leg fracture incurred during transport). These non-ambulatory animals pose no human health risk; however, FSIS rules treat them the same as other downer animals.

**Questions:**

Should AFBF work to modify the rules associated with non-ambulatory animals to create a separate class for animals injured in transit to the processing facility so as to allow for their entry into the meat processing system?

**Background:**

USDA FSIS regulations in 9 CFR §309.2(b) prescribe procedures for handling non-ambulatory animals presented for processing.

All seriously crippled animals and non-ambulatory disabled livestock shall be identified as U.S. Suspects and disposed of as provided in §311.1 of this subchapter unless they are required to be classed as condemned under §309.3. 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. (9 CFR 309.2(b). Available online at <http://www.gpo.gov/fdsys/pkg/CFR-2014-title9-vol2/pdf/CFR-2014-title9-vol2-chapIII.pdf>)

FSIS guidance on this rule effectively eliminates any non-ambulatory animal from the human food processing system, regardless of the nature of the animal's condition. This interpretation is made clear in FSIS guidance on ante-mortem inspection procedures:

6. Non-ambulatory disabled cattle are not eligible for slaughter. IPP [Inspection Program Personnel] (non-PHV [Public Health Veterinarians]) are to notify the PHV if non-ambulatory, disabled cattle are offered for slaughter. ... **NOTE:** Alternatively, the establishment may elect to condemn and humanely destroy the non-ambulatory disabled cattle before the PHV inspects and makes a disposition. (USDA FSIS Directive 6100.1, Revision 1. 4/16/2009. Available online at <http://www.fsis.usda.gov/OPPDE/rdad/FSISDirectives/6100.1Rev1.pdf>)

Strict prohibitions on processing downer animals were imposed in response to Bovine Spongiform Encephalopathy (BSE), the first U.S. case of which was identified in December 2003. One of the characteristic symptoms of BSE in its latter stages is a loss of motor function and coordination, resulting in a non-ambulatory condition in affected animals. The prohibition on the processing of non-ambulatory animals was thus intended as a straightforward means of excluding symptomatic BSE-infected animals from the human food supply. Perhaps just as importantly, it sent a strong signal to consumers that an abundance of caution would be exercised with respect to food safety procedures pertaining to BSE.

An obvious deficiency of the comprehensive ban on processing of downer animals is that animals can become non-ambulatory for a variety of reasons. Current rules make no special allowance for this fact. Thus, animals that pose no risk to human health—such as those that are non-ambulatory due to a shipping-related injury—are condemned along with animals that are clearly sick. Given that the public's fear of BSE has subsided dramatically, it is likely that a relaxation of the downer animal rule would attract little if any attention. Animals that are non-ambulatory due to injury could, with a change of FSIS rules, be treated differently from animals that are non-ambulatory due to illness. It is not clear, however, that such a change would have a material impact on animal condemnations or on the current practice for handling such animals at commercial processing facilities.

A change to FSIS rules allowing the slaughter of animals rendered non-ambulatory by obvious injury would likely have little impact on current practice for two reasons. First, the number of animals so injured is quite small. In the press release announcing the proposed rule change on non-ambulatory animals disabled from an acute injury after ante-mortem inspection, FSIS said “Of the nearly 34 million cattle that were slaughtered in 2007, less than 1,000 cattle that were re-inspected were actually approved by the veterinarian for slaughter. This represents less than 0.003 percent of cattle slaughtered annually.”<sup>1</sup> The analogous figures for hogs were even smaller based on 2002 data. The number condemned for injury is likely greater now due to a more stringent definition of injuries requiring condemnation, but it must still be a very small figure.

The second factor to consider in assessing the impact of a change in the rules for non-ambulatory animals is how such a change would integrate with humane slaughter regulations. These regulations absolutely prohibit any dragging of animals that have not already been stunned according to humane slaughter rules. Thus, any non-ambulatory animal accepted for slaughter would have to be stunned in place on the yard (or on the truck) before being dragged into the facility and shackled for processing. This would be a rather laborious process and not one that most commercial facilities would be willing to undertake due to the effect it would have on the speed of operations, not to mention the potential for this activity to be misconstrued (intentionally or unintentionally) as animal abuse.

### **Farm Bureau Policy:**

358 – Inspection and Grading of Meat, Poultry and Seafood Products

Line 1 – The objective of federal and state meat and poultry inspection programs is to provide consumers with a supply of wholesome meat and poultry products...

Line 9.9 – [We support] Legislation to eliminate unnecessary inspection;

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<sup>1</sup> USDA Press Release – August 27, 2008 “USDA ANNOUNCES PROPOSED RULE FOR REQUIREMENTS OF THE DISPOSITION OF DOWNER CATTLE”