



April 16, 2018

The Honorable David W. Sunday Jr.
York County District Attorney

Via e-mail: dwsunday@yorkcountypa.gov

Dear Mr. Sunday,

I hope this letter finds you well. I would like to request that your office (and the proper local law enforcement agency, as you deem appropriate) investigate and file suitable criminal charges against Cabin Hollow Butcher Shop, Inc., and its worker(s) responsible for skinning a cow's head while the animal was still conscious and vocalizing at its slaughterhouse located at 156 Old Cabin Hollow Rd. in Dillsburg. This incident was documented by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) in the attached citation. According to the report, on March 16, the following was observed:

"[T]he Supervisory Public Health Veterinarian (SPHV) ... observed a Holstein cow that was recently hoisted by a hind leg. The cow was quiet and had no reflexive kicking but was breathing. Plant personnel then cut the throat to bleed it out and then cut behind the poll. One employee then grabbed the head and put a hook in the nose to hoist the head into the air. When that happened, it appeared to put a bend in the neck and the bleeding minimized. The employees then began skinning the head; the animal was still breathing. As the head was starting to be skinned, the SPHV heard low vocalizations and observed movement in the throat. The SPHV confirmed that the vocalization was coming from that cow. The animal then vocalized louder. She immediately told the employees to quit skinning and directed the stunner to re-stun the animal. Immediately after this second stun, all vocalization stopped, breathing ceased, and the animal gave a few reflexive kicks and was still."¹

This conduct may violate 18 Pa. Cons. Stat. § 5533(a), Pennsylvania's cruelty-to-animals statute, which states, "A person commits an offense if the person ... recklessly illtreats ... or abuses an animal." This conduct is not exempt from the cruelty-to-animals statute, which, with respect to agriculture, exempts only "activity undertaken in a normal agricultural operation,"² defined as "[n]ormal activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market of ... livestock and their products in the production and harvesting of agricultural ... commodities."³ Dr. Temple Grandin, a professor of animal science at Colorado State University and consultant to the livestock industry, notes that rhythmic breathing and

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¹FSIS District 60 Manager Susan G. Scarcia, *Notice of Suspension, Cabin Hollow Butcher Shop, Inc., Est. 9819* (March 16, 2018) <https://www.fsis.usda.gov/wps/wcm/connect/08e71b59-4d6f-4a77-b328-84f03a2d9208/9819-Suspension-031618.pdf?MOD=AJPERES>.


²18 Pa. Cons. Stat. § 5560.

³18 Pa. Cons. Stat. § 5531.

vocalizations are indicative of a conscious animal.⁴ Skinning a conscious animal is not "normal" agricultural practice or procedure, as FSIS' action demonstrates. Importantly, FSIS action does not preempt criminal liability under state law for slaughterhouse workers who perpetrate acts of cruelty to animals.⁵

Please let us know what we might do to assist you. I can be reached at ColinH@peta.org and 757-962-8326. Thank you for your consideration and for the difficult work that you do.

Sincerely,



Colin Henstock
Investigations Specialist

⁴Grandin, T. 2017. How to Determine Insensibility (Unconsciousness) in Cattle, Pigs, and Sheep in Slaughter Plants. <http://www.grandin.com/humane/insensibility.html>. (Last accessed on April 13, 2018).

⁵See *Nat'l Meat Assoc. v. Harris*, 132 S. Ct. 965, 974 n.10 (2012) ("... States may exact civil or criminal penalties for animal cruelty or other conduct that also violates the FMIA. See [21 U.S.C.] §678; cf. *Bates v. Dow Agrosciences, LLC*, 544 U. S. 431, 447 (2005) (holding that a preemption clause barring state laws 'in addition to or different' from a federal Act does not interfere with an 'equivalent' state provision). Although the FMIA [Federal Meat Inspection Act] preempts much state law involving slaughterhouses, it thus leaves some room for the States to regulate.").