



May 14, 2018

The Honorable Robert M. Duncan Jr.
United States Attorney
Eastern District of Kentucky

Via e-mail: Rob.Duncan@usdoj.gov

Dear Mr. Duncan,

I hope this letter finds you well. I would like to request that your office investigate and file appropriate criminal charges against Harmon Brothers Meats, Inc., and its workers responsible for repeated violations of the Humane Methods of Slaughter Act, which requires that animals be "rendered insensible to pain by a single blow ... or other means that is rapid and effective, before being shackled, hoisted ... or cut."¹ At the company's slaughterhouse, located at 425 Ambrose Rd. in Warsaw, its staff ineffectively and repeatedly shot a pig and cattle in the head on at least three occasions over the past year in addition to chaining and dragging a conscious downed animal across the floor by the front legs. During the incidents, the animals struggled and cried out, as documented in the attached reports by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS).

According to the reports, federal officials documented the following:

- **April 13, 2018:** "A market hog was placed in the knock box and a plant employee shot the hog with a rifle. The animal vocalized and the plant employee administered a second shot. Again, the animal vocalized and was standing [with a] conscious righting reflex. The plant employee administered a third shot and the animal went into a sternal position and was observed to have conscious eye tracking with a righting reflex. The animal attempted to crawl out of the knock box. Plant personnel lowered the side of the knock box ... onto the hog's neck, causing it to vocalize. The fourth attempt to stun the hog was made with the captive bolt device and it did render the hog insensible."²
- **January 22, 2018:** "[A] [h]umane [h]andling egregious failure [was observed]. FSIS personnel observed an animal being shot ineffectively. After the plant employee fired the first shot, the longhorn bull remained standing with conscious righting reflex and with conscious eye movement. The plant employee reloaded and fired a second shot and the longhorn bull remained

¹7 U.S.C. § 1902.

²FSIS District 90 Manager Dr. Larry A. Davis, *Notice of Reinstatement of Suspension, Harmon Brothers Meats, Inc., Est. M7356* (April 13, 2018) <https://www.fsis.usda.gov/wps/wcm/connect/eb14c419-387f-40dd-8522-747841473439/M7356-Harmon-NOROS-041318.pdf?MOD=AJPERES>.

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- standing. The plant employee fired a third shot, which rendered the bull insensible."³
- **July 17, 2017:** "[A]n establishment employee ... stunned the 4th cow by captive bolt. The cow went down in the chute as if it was unconscious and employees raised the chute door and shackled the back legs and hoisted the cow into the air. The CSI [Consumer Safety Inspector] observed that the cow began vocalizing and moving its head side to side. It tried to right itself. The CSI also observed natural blinking and coordinated eye movement. An establishment employee delivered a second stun attempt by captive bolt approximately 2 minutes following the first attempt. The second stun attempt rendered the animal unconscious and insensible."⁴
- **May 8, 2017:** "[A]n egregious failure [occurred]. FSIS personnel observed an animal that was tied around the front two legs, above the knee with a chain and two employees dragging the animal. The IPP asked the employee in charge of the slaughter floor why the animal was being dragged and he answered that the animal was hurt and didn't want to walk. The animal looked either sick or hurt but was conscious and squealing. After they stopped dragging it, the animal was just laying on [the] floor, and it wasn't moving at all. The IPP immediately asked the employee to knock the animal."⁵

The Federal Meat Inspection Act classifies such offenses as misdemeanors and provides penalties of imprisonment of up to one year and/or a fine of up to \$1,000.⁶ The fact that inhumane handling persists at Harmon Brothers Meats makes it clear that FSIS enforcement actions alone are insufficient to deter future violations and that criminal prosecution is in the best interests of the animals killed there and the public. Given that the FSIS "fully supports the investigation of all those involved in alleged violations of the Humane Methods of Slaughter Act" and that "Investigators from [its] enforcement division and from USDA's Inspector General ... stand ready to work"⁷ with offices such as yours, we respectfully ask that you collaborate with the FSIS Office of Investigation, Enforcement and Audit (OIEA)'s Enforcement and Litigation Division (ELD) to investigate and bring appropriate criminal charges against those responsible for the above violations.

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

Sincerely,

³FSIS District 90 Manager Dr. Larry Davis, *Notice of Suspension, Harmon Brothers Meats, Inc., Est. M7356* (January 22, 2018) <https://www.fsis.usda.gov/wps/wcm/connect/e7cebdbd-5544-438c-b599-f313609acff3/M7356-Suspension-012218.pdf?MOD=AJPERES>.

⁴FSIS District 90 Manager Dr. Larry A. Davis, *Notice of Reinstatement of Suspension, Harmon Brothers Meats, Inc., Est. M07356* (July 17, 2017) <https://www.fsis.usda.gov/wps/wcm/connect/742366a6-420f-4e34-9cbf-e1b9fa2332c8/M07356-NOROS-07172017.pdf?MOD=AJPERES>.

⁵FSIS District 90 Manager Larry A. Davis, D.D.M., *Notice of Suspension, Harmon Brothers Meats, Inc., Est. M07356* (May 8, 2017) <https://www.fsis.usda.gov/wps/wcm/connect/87a79607-1f5f-49a5-990a-53d46675f3d5/M07356-Suspension-050817.pdf?MOD=AJPERES>.

⁶21 U.S.C. § 676.

⁷U.S. Department of Agriculture, FSIS, "Under Secretary for Food Safety Shares Some Insight on the Humane Handling of Livestock," (Jan. 7, 2011) <https://www.usda.gov/media/blog/2011/01/7/under-secretary-food-safety-shares-some-insight-humane-handling-livestock> (Last accessed on May 9, 2018).

A handwritten signature in cursive script that reads "Colin Henstock".

Colin Henstock
Investigations Specialist

cc: Scott C. Safian, Director, ELD, OIEA, FSIS