



September 20, 2017

Donald Palma Jr.
Chief of Police
Groton, Massachusetts

Via e-mail: dpalma@townofgroton.org

Dear Chief Palma,

I hope this letter finds you well. I would like to request that your office investigate and file suitable criminal charges against E.L. Blood and Son ("Blood Farm") and its worker(s) responsible for repeatedly shooting cattle in the head on two dates in August at its slaughterhouse located at 94 W. Main St. in West Groton. This caused at least one steer to stumble about and experience bleeding from the nose (epitaxis), as documented in the attached reports by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS). According to the reports, on the days in question, federal officials documented the following:

- **August 30, 2017:** "[An] egregious ineffective stunning of a Scottish Highlander steer was observed. The steer was . . . unrestrained in the knocking area The . . . employee shot the animal with the 20 gauge shotgun and the animal remained standing and alert, as evidenced by moving its head. Epistaxis was also apparent after the first shot. The employee then used the 30/30 caliber rifle and attempted to stun the animal, which did not render the animal unconscious as evidenced by the steer turning its head and continuing to stand/move around . . . with coordinated movements. The 30/30 caliber rifle was . . . shot again, and did not render the animal unconscious, as evidenced by stumbling then regaining its footing and continuing to move its head. At this point, another . . . employee used the 30/30 caliber rifle to shoot the animal. This last shot was successful

On post-mortem examination . . . three distinct holes were observed; all were full thickness through the skull. . . . [T]hese three holes communicate with the sinuses and not the cerebrum. . . .

The establishment . . . has recently been suspended due to an egregious ineffective stun of a beef cow on 8/23/2017. Within the previous six months, there have also been two ineffective stun noncompliances . . . on 5/4/2017 and . . . 4/10/2017 and two humane handling noncompliances issued for lack of water availability . . . on 7/27/2017 [and] . . . 3/13/2017."¹

- **August 23, 2017:** "[T]here was an egregious mis-stunning of a Red Angus steer. The steer was standing unrestrained in the stun area The . . . employee shot the animal with a .20 gauge shotgun and the animal remained standing and alert. The employee reloaded and fired 4 additional shots . . . to render the animal unconscious. . . . [B]ecause of the recent Humane Handling

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¹FSIS District 60 Manager Susan G. Scarcia, *Notice of Reinstatement of Suspension, E.L. Blood and Son – Est. M6354* (Aug. 30, 2017), <https://www.fsis.usda.gov/wps/wcm/connect/38c35b5b-332b-4be6-80e7-d376df5dd4d1/M6354-NOROS-083017.pdf?MOD=AJPERES>.

history and the severity of using 5 shooting attempts . . . a [Notice of Suspension] was issued."²

This conduct appears to violate Massachusetts' cruelty-to-animals statute, which states, "Whoever . . . tortures, torments . . . cruelly beats, mutilates or kills an animal, or causes . . . [the same]; . . . and whoever, having . . . custody of an animal . . . inflicts unnecessary cruelty upon it . . . shall be punished"³ Specifically, the workers at Blood Farm apparently failed to take care to ensure that the gunshots were properly aimed at the steers' heads on the first three and four attempts, respectively, which resulted in the animals' mutilation and apparent torment.⁴ Importantly, FSIS action does not preempt criminal liability under state law for slaughterhouse workers who perpetrate acts of cruelty to animals.⁵

We respectfully request that your office investigate Blood Farm and the worker(s) responsible for this conduct and file cruelty-to-animals charges against all appropriate parties. Please let us know what we might do to assist you. Thank you for your consideration and for the difficult work that you do.

Sincerely,



Melissa Mary Wilson
Attorney, Cruelty Investigations Department

²FSIS District 60 Manager Susan G. Scarcia, *Notice of Suspension, E.L. Blood and Son – Est. M6354* (Aug. 23, 2017), <https://www.fsis.usda.gov/wps/wcm/connect/fe98b805-e976-4ebf-a0b1-50f2ae57d02c/M6354-Suspension-082317.pdf?MOD=AJPERES>.

³MASS. GEN. LAWS ch. 272, § 77.

⁴*See, e.g., Com. v. Daly*, 56 N.E.3d 841, 849 (2016) (Cruelty to an animal is a general intent crime); *Com. v. Zalesky*, 906 N.E.3d 349, 351 (Mass. App. Ct. 2009) ("Cruelty," for purposes of cruelty to an animal, is severe pain inflicted upon an animal without any justifiable cause. Defendant's guilt for cruelty to an animal did not depend upon whether he thought he was unnecessarily cruel, but upon whether he was so in fact.).

⁵*See 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.").