

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS NOTICE

09-18

2/7/18

**REQUIREMENTS FOR THE DISPOSITION OF NON-AMBULATORY
DISABLED VEAL CALVES**

I. PURPOSE

This notice reissues the instructions previously provided in FSIS Notice 66-16 for inspection program personnel (IPP) on how to conduct ante-mortem inspection of non-ambulatory disabled cattle, including non-ambulatory disabled veal calves.

II. BACKGROUND

A. On July 18, 2016, FSIS published the final rule “Requirements for the Disposition of Non-Ambulatory Disabled Veal Calves” ([81 FR 46570](#)). The final rule:

1. Removes a provision in 9 CFR 309.13(b) that permits establishments to set apart and hold for treatment veal calves that are unable to rise from a recumbent position and walk because they are tired or cold;
2. Requires all non-ambulatory disabled cattle, including non-ambulatory disabled veal calves, to be condemned and *promptly* disposed of in accordance with 9 CFR 309.13.
 - a. Non-ambulatory disabled cattle are cattle that cannot rise from a recumbent position or that cannot walk. Non-ambulatory cattle may include, but are not limited to, those animals with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column, or metabolic conditions (see 9 CFR 309.2(b));
 - b. “Promptly” means within a reasonable time in view of all of the facts and circumstances, including whether the animal is suffering (e.g., injured, dehydrated, or vulnerable to being stepped on by ambulatory cattle), and extenuating circumstances such as weather conditions and emergencies (80 FR 46570, 46574); and
 - c. Establishments are required to provide satisfactory assistants and equipment for conducting ante-mortem inspection (9 CFR 307.2). FSIS expects these assistants to be prepared to promptly euthanize condemned, non-ambulatory disabled cattle in accordance with 9 CFR 309.3(e) and 9 CFR 309.13.
3. Removes a provision in 9 CFR 309.1(b) that requires ante-mortem inspection to be performed “in pens” because FSIS inspectors currently have the authority to conduct ante-mortem inspection anywhere on the establishment’s premises, including in transportation vehicles if they can do so safely (see [FSIS Directive 6.900.2](#), *Humane Handling and Slaughter of Livestock*).

DISTRIBUTION: Electronic

NOTICE EXPIRES: 2/1/19

OPI: OPPD

B. Non-ambulatory disabled cattle, including veal calves, that are offered for slaughter must be condemned and promptly euthanized. Prohibiting the slaughter of all non-ambulatory disabled veal calves will improve compliance with the Humane Methods of Slaughter Act of 1978 (HMSA) and the humane slaughter regulations.

III. IPP RESPONSIBILITIES

A. IPP are not to permit establishments to set apart and hold for treatment or rest veal calves that are unable to rise from a recumbent position and walk because they are tired or cold. IPP are to follow the inspection procedures in [FSIS Directive 6100.1](#), *Ante-mortem Livestock Inspection* for non-ambulatory disabled cattle when inspecting non-ambulatory disabled veal calves.

B. If non-ambulatory disabled cattle, including non-ambulatory disabled veal calves, are offered for slaughter, the Public Health Veterinarian (PHV) is to condemn the animals and direct the establishment assistant to promptly dispose of the condemned cattle in accordance with 9 CFR 309.3(e) and 9 CFR 309.13.

C. If the establishment assistant does not promptly dispose of the condemned cattle, the PHV or CSI is to perform a directed Livestock Humane Handling task in the Public Health Information System (PHIS) and document the noncompliance in a noncompliance record (NR). PHIS will include the task in the Establishment Task List for all livestock slaughter operations. To perform the task:

1. Schedule the task on the Task Calendar in PHIS;
2. Make observations based upon the appropriate Humane Activity Tracking System (HATS) categories to determine if there is compliance with the regulatory requirements;
3. Record the task outcome in Inspection Results by selecting the verified regulations and checking the appropriate boxes. If noncompliance is found complete the NR; and
4. Record the HATS time spent by category while performing humane verification in quarter hour increments.

IV. QUESTIONS

Refer questions regarding this notice through [askFSIS](#). When submitting a question use the Submit a Question tab, and enter the following information in the fields provided:

Subject Field: Enter **Notice 09-18**
Question Field: Enter your question with as much detail as possible.
Product Field: Select **General Inspection Policy** from the drop-down menu.
Category Field: Select **Regulations/Agency Issuances** from the drop-down menu.
Policy Arena: Select **Domestic (U.S.) Only or International (Import/Export)** from the drop-down menu.

When all fields are complete, press **Continue** and at the next screen press **Finish Submitting Question**.

NOTE: Refer to [FSIS Directive 5620.1](#), *Using askFSIS*, for additional information on submitting questions.



Assistant Administrator
Office of Policy and Program Development