

**NSAC-NMPAN-FSIS**  
**Small/Very Small Plant Stakeholder Meeting**  
Elizabethtown, Pennsylvania  
May 23, 2018

**Stakeholder Attendees:**

Carrie Balkcom, American Grassfed Association, Denver, CO  
Jonathan Campbell, Penn State Extension  
Nelson Gaydos, American Association of Meat Processors, Elizabethtown, PA  
Greg Gunthorp, Gunthorp Farms and Brushy Prairie Packing, Lagrange, IN  
Amy Hess, Bow Creek Farm and Cattle Company, Hershey, PA  
Rob Hess, Bow Creek Farm and Cattle Company, Hershey, PA  
Ferd Hoefner, National Sustainable Agriculture Coalition, Washington, DC  
John Jamison, Jamison Farm, Latrobe, PA  
Brooks Miller, North Mountain Pastures, Newport, PA  
Denise Perry, Lorentz Meats, Cannon Falls, MN  
Beau Ramsburg, Rettland Farm, Gettysburg, PA  
Brian Sapp, White Oak Pastures, Blufton, GA  
Mike Smucker, Smucker's Meats, Mt. Joy, PA  
Kyle Stage, Bryan's Meat Cutting, Milan, PA  
Rebecca Thistlethwaite, Niche Meat Processors Assistance Network, Corvallis, OR  
Chris Young, American Association of Meat Processors, Elizabethtown, PA  
Jay Young, Rising Spring Meats, Spring Mills, PA

**USDA Attendees:**

Paul Kiecker, Acting Administrator, FSIS  
Tricia Kovacs, Local and Regional Food Systems Policy Advisor, USDA  
Roselyn Murphy-Jenkins, Director, Labeling and Program Delivery, FSIS  
Jessica Pulz, Executive Associate, Regulatory Affairs, FSIS  
Soumaya Tohamy, Assistant Administrator, Office of Outreach, Employee Education and Training  
Roberta Wagner, Assistant Administrator, Office of Policy and Program Development, FSIS

## Welcome and Introductions

Ferd Hoefner welcomed everyone to the session, and provided background on the National Sustainable Agriculture Coalition and the genesis of these regional stakeholder meetings with FSIS. He also reviewed the day's agenda.

Rebecca Thistlethwaite welcomed everyone on behalf of the Niche Meat Processors Assistance Network and provided some background on the organization and its activities.

Chris Young, who graciously agreed to provide meeting space and to participate, welcomed everyone to the offices of the American Association of Meat Processors and provided background about AAMP.

All of the participants then introduced themselves and provided background on their businesses, farms, agency position, etc.

## FSIS Overview and Updates

Paul Kiecker kicked things off by noting how important it is for agency officials to hear from stakeholders, including owners and operators of small and very small plants that constitute the bulk of processing facilities, even if not of volume. He noted that while their main focus is to regulate, there are lots of ways to do that, and besides, they really do want to help, not just regulate. As in previous regional meetings, he stressed that if anyone is not getting a satisfactory answer to a question or problem at the local or regional level of the agency, that he and all those present today will take your calls and work to get you an answer. He also urged all present to send in comments on draft rules and draft guidance, noting that public comment can be a simple paragraph or two and does not necessarily need to be a long treatise.

### Guidance Updates

Roberta Wagner stressed that guidance documents are not regulatory but rather best current information and insight. She noted that revisions to Appendix A and B caused a lot of concern and that, as a result, they want to discuss as many issues with stakeholders as possible even before issuing new guidance for comments. She also mentioned that an effort is now being made to make guidance documents clearer and shorter so inspectors can use them and the regulated community can read and understand them without a special decoder ring.

With respect to the **poultry exemption guidance**, Roberta said they were in the process now of updating it, and that the new version will include a “decision tree” to help with clarity. She stressed that while the exemptions mean there is not day-to-day inspection, all are still subject to rules about misbranding and record keeping still needs to be kept current. She also cautioned that, in some states, federally exempt poultry is not exempt at the state level.

There is no current guidance document on **livestock exemptions**, but a new one is just about to be released later this week. It deals with issues related to custom plants, retail stores, restaurants, and central kitchens, and includes special notes about farmers markets, food hubs, online sales, and farm to school sales. (It is now out, see <https://www.fsis.usda.gov/wps/wcm/connect/16a88254-adc5-48fb-b24c-3ea0b133c939/Compliance-Guideline-Livestock-Exemptions.pdf?MOD=AJPERES>)

Roberta reported that nothing is in the works right now on retail exemptions other than the sections in the poultry exemption and livestock exemption guidances that have a section on retail. Ask FSIS is the best place to find answers to questions related to the retail exemption.

Denise Perry interjected that if a particular guidance does not make sense for your operation, you should not do it, and also that just because you can use an exemption doesn't necessarily mean that you should use it. It all depends on your operations. She also asked whether guidance documents could list their authors, to which Roberta said that if you use Ask FSIS the question will very likely get to the author of the relevant guidance for a reply.

Ros Murphy-Jenkins summarized the current situation with respect to **animal raising claims guidance**. The agency has finished sorting through all the public comments on the draft guidance and is very close to finalizing the guidance. She noted that while the guidance is primarily process-oriented, many of the public comments were about substance. She said to expect that the document will not change a great deal when it is finalized, but to expect that the process of how they will approve animal raising claims will change in a positive way. Ros noted that they have an approximately 1,600 label claim backlog right now, and nearly half of those are animal raising claims. She noted that they plan to do webinars once the guidance is finalized.

In the discussion that ensued, Carrie Balkcom noted that the producer supplies the paperwork and the affidavits and said the onus should not be on the processor. Denise concurred, noting that processors cannot go and visit all of the producers they work with. Paul agreed, but noted that nonetheless it is the co-packer who gets dinged if there is a recall.

Ros noted there are about 30,000 labels submitted for approval each year, and about 13,000 Ask FSIS questions submitted each year. She encouraged the use of generic approval whenever possible, and also said the agency loves when there are third party certifiers of label claims. Denise thanked the agency for the generic label approval process and said it has proved very helpful.

Mike Smucker asked about who the agency prefers submit a label. Ros responded that it can be the processor or the certifier or the farmer, but in any event they will be providing it on behalf of the processor so there should always be good communications between the parties involved.

Roberta interjected that the March 2018 [Meat and Poultry Hazards and Control Guide](#) is a good review of the inspection process, and noted it now includes slaughter, not just processing.

Roberta also mentioned that the agency is in the midst of doing a sample review of antibiotic, hormone, and soy claims right now. They will report on results within a week or so of the results coming in. (See [https://askfsis.custhelp.com/app/answers/detail/a\\_id/2037/~/fsis-notice-26-18--methods-used-for-analysis-for-soy%2C-hormone-and-antibiotic](https://askfsis.custhelp.com/app/answers/detail/a_id/2037/~/fsis-notice-26-18--methods-used-for-analysis-for-soy%2C-hormone-and-antibiotic))

## **Outreach**

Soumaya Tohamy spoke about the new **industry “help button”** through which you can click on tabs by topic and it gets you to the right place on the website for specific information. There have already been about 10,000 hits.

Brooks Miller asked how one goes about finding out about all the requirements at the very start of entering the business. Soumaya recommended calling the Small Plant Help Desk for basic information, and Roberta suggested also being in touch with your District office. Jonathan Campbell noted, however, that in Pennsylvania at least, the District office often tells people to call Extension for help.

Jessica Pulz provided an update on the new **EIAO Outreach initiative**. Beginning in October 2018, EIAO staff is to spend 25 percent of their time on outreach activities. She noted that historically, EIAOs did HACCP outreach, but then once HACCP was fully in place, the outreach component of their jobs declined, while food safety assessment time went up. While they are still doing health risk assessments, they will now restore the outreach component of the job.

The definition of what outreach is and what it includes is still a work in progress, and they welcome feedback. She stressed that the first interaction of a plant with an EIAO should not be an assessment, because that nearly always means there is a crisis. Instead, there should be outreach component and a relationship established first. New guidances are a good topic for outreach. Meetings can be set for evenings or weekends so that they are not hitting small plants in the middle of the work week/day.

A broad framework has been established, but the particulars will evolve and change over time. They hope the new initiative will hit a reset button, and there will be more listening and communicating than perhaps was the case before. Calls to the Small Plant Help Desk can be used to help get the EIAO to do in person meetings to discuss solutions rather than just communicating indirectly through the Help Desk.

Jessica also noted that FSIS surveys are going through Office of Management and Budget review right now, and once approved, those surveys will be sent to individual establishments to collect feedback on the outreach needs of small/very small facilities. (See <https://www.fsis.usda.gov/wps/portal/fsis/newsroom/news-releases-statements-transcripts/news-release-archives-by-year/archive/2018/nr-062218-01>)

Jonathan Campbell noted that a “How to” guide on how to obtain a grant of inspection could prove to be helpful and might be something Extension could do.

Greg Gunthorp asked whether this EIAO outreach effort is truly non-regulatory? Jessica said it for sure will be a culture change within the agency, as primary objectives have been on compliance, enforcement, and food safety, and even on outreach visit, if they see a problem they cannot turn a completely blind eye. So Greg asks the obvious question - why would an operator invite them in? In-plant inspectors also can get wound up if an EIAO comes out. It is going to be an uphill battle because they are more used to a reactive approach. Denise Perry stressed that since they are viewed as the HACCP enforcers, there really needs to be some culture change first. She also suggested that meetings might best happen at a neutral site rather than at the facility.

Jessica said that it may be a different EIAP than normally assigned to a circuit. They are doing outreach to inspectors, PHVs, and others in the agency about this initiative, so they should understand and not be intimidated. They want the EIAOs to serve as ambassadors for education. Paul added that the aim is to educate everyone together, including the inspector and the supervisor. Jessica noted that the entire focus of the outreach effort is on small and very small plants – the big

plants can request it if they want, but are not the focus. Jonathan added a word of caution, saying the outreach effort is really terrific, but remember that it is very difficult for very small plant owners to take a day off.

Jay Young noted that he has found that some relief inspectors try really hard to find something wrong when they come in. He said he never felt like he can just call higher ups at FSIS to get answers in a timely manner. His hope is for it to become more like everyone is on the same team.

Jonathan Campbell advised that we need to be fair, friendly, frank, and firm in dealing with our relationships with inspectors and regulations, but try to avoid “feelings” - we are all passionate about what we do, but we have to temper it when dealing with inspectors, regulations, etc. Denise Perry recommended finding someone in your plant to be the regulatory compliance person who is not emotional, and ideally not the owner.

Chris Young summarized that we are going to have to undo some years of reactive culture with regards to working with EIAOs. It may take a big PR push to make that work. The first time plants start getting written up, it will be a ding against this initiative. But what FSIS is trying to do is very commendable.

### **Pennsylvania/Regional Processor Concerns**

Rob Hess asked a question about labeling -- could anyone comment on testing methods that would discredit a GMO or non-GMO label? Jonathan Campbell responded that there is no current method to do that. He added that “no hormones added” could be tested in the organs, but not in the meat.

Brooks Miller came back to the issue of culture change for EIAOs and whether that would prove to be too difficult? Paul responded that it shouldn't be, though admitted that they got away from outreach but now we are getting back into it. Jessica added that the communication piece will be critical, and suggested that AAMP and NMPAN could help get the word out to their members.

Mike Smucker said he reaches out to industry contacts when he has an NR, such as Jonathon/Extension, NMPAN, and AAMP. Should he reach out to an EIAO too? Is it an avenue whereby he could get some suggestions on how to deal with an NR? Jessica responded with “potentially” and noted that when you can stop official letters back and forth and actually sit down and discuss and get a very clear tie back to the regulations, it can if nothing else help you know better whether and how to appeal. Mike followed up to clarify – the inspector can't give you advice or options, but the EIAO can, correct? Paul Kiecker answered in the affirmative.

Chris Young noted that inspectors can't tell you how to fix an NR for the future, but with the new EIAO outreach plan, maybe that will become a new possibility with the EIAO.

Denise Perry suggested reframing the question to your inspector, such as- “how have you see others comply with this? Or how have you seen this done in other plants?”

Roberta Wagner clarified that though inspectors are trained to not be consultants, they nonetheless have the responsibility to point people to the resources and information sources where they can get an answer. Chris Young chimed in that if inspectors did this, if the mentality was changed, it would

make huge positive changes with the relationship between plants and inspectors. He also suggested that if an inspector demands that you to change something, ask them to put it in writing. Don't change anything or start jumping through hoops just because they made a suggestion. Roberta suggested that the agency may be able to give inspectors some scripted language they would feel comfortable with that might make them more likely point you in the right direction.

Jonathan Campbell asked if the inspectors union prevent inspectors from providing information? Paul Kiecker responded that while that might be the reality in some cases, the union should not be the party that tells them what they can and cannot do.

Jay Young said he is happy with his supervising inspector. If he has a stunning issue, he will ask his inspector for advice. They will say, "I can't tell you what to do, but here is how I have seen it done in other plants."

John Jamison asked if there are staffing changes coming for Pennsylvania, and suggested there may not be enough inspectors to go around as the farm to table movement continues to pick up speed and expand in Pennsylvania and the region. Paul Kiecker responded that they will figure that one out, and hire more people as required.

Carrie Balkcon asked if, when FSIS is looking for inspectors, do you recruit at the colleges and trade schools, and whether students can begin training while in training? Paul Kiecker said yes, and noted there is not a requirement that inspectors have a 4-year degree.

Denise Perry said they host a lot of tours from vet schools and noted that a majority of vet students have never been on a farm, and have not worked with large animals. She fears how different situations will be interpreted by PHVs in the future because they don't have large animal experience, asking how can we get them more experience in this? Paul Kiecker responded that they cannot require farm experience for PHVs, and noted that the agency can hardly recruit enough of them as is. Denise suggested they should have to knock some animals to see how hard it is.

Brian Sapp warned that we have to be careful of in-plant employees "interpreting" regulations, suggesting that sometimes you have to go straight to the judge. His take away: we need to build strong relationships up the chain.

## **USDA Resources**

Tricia Kovacs walked the group through some USDA programs and resources that may be of interest, including Rural Energy for America Program (REAP) that can help with grant and/or loans for energy efficiency improvements as well as energy production, Organic Certification Cost Share, which helps offset organic certification costs for farmers and for processors/handlers, Value-Added Producer Grants, which provides funding for working capital or feasibility studies for farm-based value-added enterprises, and the Farmers Market and Local Food Promotion Program which funds both direct to consumer marketing projects as well as local and regional farm and food projects. Tricia shared a USDA handout summarizing the different programs, with links to each one, which is also available at

<https://www.ams.usda.gov/sites/default/files/media/FoodSupplyChainFactSheet.pdf>.

Ferd Hoefner also mentioned that NSAC also has further information on several of these programs in its guide to federal programs at <http://sustainableagriculture.net/publications/grassrootsguide/>.

### **Label Claims Verification**

The next portion of the meeting was a follow-up to a question raised during a previous meeting in Oregon -- could FSIS and AMS develop a cooperative arrangement whereby AMS Process Verified Program auditors could be used by FSIS to verify grassfed label claims, and potentially other animal-raising label claims as well?

The report back from FSIS and AMS: There is an interest in doing so, and some productive discussions have taken place between the two agencies since we raised the question in Oregon. Both agencies are open to the idea. If it happened, it would likely be by spot-checking as well as by investigations as a result of complaints. AMS only has authority to do audits if they are invited onto a farm to do so. FSIS would also need to delegate the task to AMS/PVP, but FSIS does not have on-farm authority, so there is a pending request into USDA Office of General Counsel for their analysis of the legalities of trying to work out a cooperative arrangement. Beyond the legal issues, there would also need to be funding, so there is also a potential budget constraint. The agencies had hoped to have more answers by today, but they don't have all the answers yet. Roberta Wagner raised another possible avenue: FDA has authority to do drug residue/tissue residue testing, so perhaps FDA could have an arrangement with the States who in turn could contract with AMS auditors.

Denise Perry stressed that under the current system and policy, the onus is being placed squarely on the processor, and that verification by the processor is a significant financial burden, one that becomes even larger if the processor has been lied to. She will get rid of a customer if they are presenting a fraudulent claim because it puts her plant at risk. Having to recall meat for mislabeling will be a big financial loss for her plant. The agency in her view really needs to be providing the resources needed to verify the animal raising label claims.

Amy Hess stressed that small farms need the animal raising claim labels in order to be able to compete with commercial meat. If big companies are mislabeling, that reduces prices and could put small, niche market farms out of business. Carrie Balkcom noted that AGA certification includes an on-farm inspection every 15 months.

There was also some discussion of whether PVP grassfed claims can deviate from the former AMS grassfed definition (which is now the basis for the FSIS grassfed claim definition) now that there is no longer an AMS definition. That is an issue for more research and a future discussion.

### **Final Concerns**

Greg Gunthorp asked if all plants are going to have to do food contact surface testing under new swine inspection? Roberta Wagner responded that yes, under the proposed rule, that would be the case, but that the agency has received a lot of comments on the pre-op testing and where the science is on this, so they are reviewing all that now.

Kyle Stage noted that a lot of his inspectors come from the nearby Cargill plant. His little plant has more HACCP categories than the big plant and the inspectors seem to have trouble with the

transition from very large plant to very small. Hence there is a very high turn-around. His CSI rotates every 4 months, not enough time for them to get acquainted with his shop. Denise Perry added that it seems like the plants having the biggest problems are ones where there is not a lot of stability in the inspectors or they have a background in working in just large plants. Brian Sapp said his plant spends a lot of time training the inspectors, and more continuity would certainly be helpful

### **Wrap Up Comments/Thoughts on the Day**

Jonathon Campbell - Thank everyone for coming. Good to be passionate about this, but take some of those feelings out so we can move forward. Producers and processors rock; we need more discussions like this one.

Mike Smucker - Thankful for opportunity to participate, would like to in the future as well. Wanted to publically acknowledge the labeling submission program is working great now. Also looks forward to the EAIO outreach program.

Kyle Stage - Thanks to Jonathon for inviting him. He learned a lot about labeling claims. Worth it for him to attend.

Rob Hess - With regard to making label claims, broader issue at stake is the economy of rural America. Only way to get a higher price for his product, he has to differentiate himself. That is the only way to compete. If he can't make a claim, he can't compete. Plea to agency to get animal raising claim guidance right, and figure out a robust verification system, whether with AMS or in some other way.

John Jamison – Per the new outreach effort, as an operating of a small plant, I would prefer to know when EAIO is coming. One thing I learned from this meeting is that appealing NRs is important.

Brian Sapp – I have been at all the meetings for past 1.5 years, there has been some headway made during that time. We would be happy to give FSIS feedback on proposed guidance docs before they put them out for public discussion, and also on the outreach information survey. Ferd could get those out to us if the agency is willing to share in that manner.

Chris Young - We are all striving for the same thing, good to have open discussion, share viewpoints, what the farmer, processor, agency is struggling with. Good open dialogue that needs to happen continuously. Very glad to be a part of it at AAMP, and thanks for coming to our offices.

Jay Young - Jonathan is a great asset to the state and we should support his work. Ros has been a great asset as well. Meat processors do really good things for a lot of people. Happy to be a part of this industry.

Nelson Gaydos- AAMP has been in more meetings with USDA FSIS in the last few months, finds that trend of more communication encouraging.

Carrie Balkcom – Consistency of FSIS staff at these meetings is a plus. For the next meeting, we should put on the agenda that “product of USA” labeling claim for foreign meat needs to be dealt with soon. Small farms are bringing back rural economies. There needs to be room for both big industry and niche entrepreneurial sector.

Greg Gunthorp - We are down to 7.8 cents of the retail dollar doing to the farmer, which is not encouraging. However, there are lots of opportunities now in rural America to change this, to return economic parity to rural America. That FSIS leadership comes to these meetings is very important. We can tell you what is really happening, and you can tell us what you need to move things forward. This is leading us down the road to a better place.

Beau Ramsburg - Thank Jonathon for the invite. That FSIS leadership is here means a lot to me. The new EIAO outreach plan is positive and I am glad to know about it now in advance. The labeling discussion also important – we don't co-pack now, but we likely will at some point, so good to be involved in labeling discussion.

Denise Perry - Processors and producers need to share their experience of coming to these meetings with other processors, encourage others to get involved. Peer to peer feedback is very helpful.

Tricia Kovacs - Appreciates the ongoing education about agriculture and meat processing in different parts of the country. AMS wants to hear what the real needs are on the ground. Workforce development is a thread she wants to follow up on, and we might want to keep that on agenda for future meetings.

Brooks Miller - Creating relationships is key, between processors and regulatory agency, between farmers and processors. More face-to-face time is key.

Ferd Hoefner - Very interested in following up more on the AMS/PVP and FSIS discussion on verifying grassfed and other animal raising label claims. Also interested in following up on avenues to get informal comments in on new guidance documents as they are being worked on. Very special thanks to Mike for allowing us to tour his plant and to Amy and Rob for showing us around their farm and farm store.

Soumaya Tohamy – We will find or create a document on grant of inspection and get it to you. Also, when proposals go out, hard for economists to estimate impact, good to get comments about economic impact from small processors

Jessica Pulz - Thank you all for the effort to be here. We need to have more dialogue and communication like this. If you have a good idea for outreach, I am happy to hear those as well, send them my way.

Roberta Wagner - Feels privileged to work in this field. Appreciates that we can inform her. I like an open process in which we can bring you to the table before we issue guidances. Do use Ask FSIS as a resource. Testing regimes might be a good topic for future meetings.

Ros Murphy-Jenkins - I really take to heart what we are hearing. What can we do better? – let me know!

Paul Kiecker - Many things come down to better communications. Here's the thing about an NR -- the only time it becomes a significant issues is if you don't do anything with it. Take action to try to prevent it again. He has been in some weekly meetings that happen at a plant with their inspectors. A lot of times, nobody will talk. Try to be more open. There may be something you can learn. If

the inspector does not know the regulation behind the NR that is a big problem - if you see that happening, let me know.

If someone is looking for a grant of inspection, they should call their district office. Glad Penn State and others are helping, but honestly this is something the district office can and should be doing.

### **End of Morning Meeting**

#### **Afternoon Meeting - Humane Handling**

Dr Lynda Lilyestrom, Dep. District Manager from Philadelphia district office, USDA FSIS

Jessica Pulz, USDA FSIS

Paul Kiecker, USDA FSIS

Carrie Balkcom, American Grassfed Association, Denver, CO

Jonathan Campbell, Penn State Extension

Nelson Gaydos, American Association of Meat Processors, Elizabethtown, PA

Greg Gunthorp, Gunthorp Farms and Brushy Prairie Packing, Lagrange, IN

Ferd Hoefner, National Sustainable Agriculture Coalition, Washington, DC

Denise Perry, Lorentz Meats, Cannon Falls, MN

Mike Smucker, Smucker's Meats, Mt. Joy, PA

Rebecca Thistlethwaite, Niche Meat Processors Assistance Network, Corvallis, OR

Chris Young, American Association of Meat Processors, Elizabethtown, PA

Brian Sapp started things out by noting we have moved forward since these meetings began. One stun rule, shutting plants down when there was a problem at the stunning area, was a big problem and still is in many areas, but people are beginning to see positive changes from their inspectors as a result of enhanced communication.

Greg Gunthorp agreed - a second immediate stun is not resulting in a suspension now, at least in Chicago district. Chris Young added, however, that it is not the experience in the whole country yet. With robust plan, there is improvement, but there is still a NOIE in many places rather than an NR. Many employees refuse to knock because they don't want to be responsible for shutting down the plant. The stress is just too high. Progress has been made, but there is still a long way to go, and we cannot afford to lose any more small plants.

Denise Perry added that multiple species, breeds, and different devices are all a big part of training new employees to allow them to judge if an animal is insensible.

Greg Gunthorp noted another big issue - how do you train a new person? In a very small plant, you can have a back up stunner but no back up employee. So how do you ever start someone if they have to be perfect 100% of the time from day one? Chris Young added that this issue is a primary

barrier to expansion of the sector. So many facilities are all booked up. We need to find better solutions. Mike Smucker added that grassfed and pasture-raised animals are not used to confinement and therefore can sometimes be harder to deal with in confined situations in pens and shuts in the plant.

Jessica Pulz stressed that Patty Bennett and her team at FSIS are making sure their staff is getting more training. She also noted that the new survey to small and very small plants includes quite a few questions related to humane handling. Jessica repeated current policy – the first stun must be effective and if not, an NR is automatic – but if a back up is ready, then there should be no suspension. Jonathan Campbell, however, questioned whether “effective” and “insensible” are interpreted to be the same thing. Chris Young recommended cross-education between the plant and the inspector on second stun situations and what happens, saying we need inspection personnel to understand the pressure that knockers are under, and we need to get common sense communication out to inspection personnel. Jonathan reminded us that small plants can often have 3-5 different sets of eyeballs there watching the knocker, which is an enormous pressure. Rebecca Wagner noted that heritage breeds often take longer to grow, but older animals have thicker skulls, and some plants therefore will not deal with heritage breeds. Jonathan also reminded us that small plants have 100% inspection on kills but the big plants have a much lower level of inspection, and that very basic difference means small plants are regulated more and are shut down more.

Brian Sapp strongly recommended the Bristol University animal welfare officer training, noting there would be one at Penn State in June. Plants need to have the right training and equipment to process older animals. More training needs to be the first step/first defense.

Jonathan Campbell noted that Pennsylvania perhaps has sufficient capacity, but that too much of it is custom, and there is a sizable gap with inspected. Chris Young recommends the time has come for grant programs for small niche processors, not just for producers.

Paul Kiecker asked what is an egregious act and when is an action egregious, suggesting that we should discuss that question further.

Lynda Lilyestrom said a key question is at what point is an act egregious? They are discussing this internally at FSIS. The regulation is whether the animal is conscious or not, but there is a gray zone, yet we cannot effectively enforce a gray zone. Still, though, we should not write it up either if it is not egregious. Greg Gunthorp noted that at his facility they do 100% security knocks on hogs. Denise Perry said they do not, but they do security knock if it feels bad or there is any question at all. She also said there needs to be regular in-plant training, and owners need to tell their knockers they will have their back. Chris Young added that this has nothing to do with food safety, so should just be more common sense.

Paul Kiecker pledged that the agency would revisit the definition of egregious, and also that efforts will be made to get everyone on the same page on second stun.

Denise Perry raised the issue of non-ambulatory regulations from 2009 in reaction to the Westland/Hallmark plant. It used to be that PHVs could use their discretion if an animal went non-ambulatory after ante mortem inspection. She summarized an episode where a grassfed beef cattle flipped itself over and got its shoulder stuck. Then was considered non-ambulatory and condemned, despite being perfectly good. She had to call up the farmer and tell the person that

their animal was condemned, representing a loss of thousands of dollars. The Ask FSIS question and answer on this was very unsatisfactory. Ask FSIS says wedged on a conveyor system is OK but stuck sitting down in small plant is condemned. The rule was written in response to large plant, yet the vast majority of its implications and enforcement is with small plants. Paul Kiecker promised the will look into it and follow up.

Greg Gunthorp recommended the agency also look into and follow up on possible policy on training a new knocker/stunner, and whether something like that could be part of a robust plan.

**End of Afternoon Meeting**