



April 23, 2018

The Honorable Joseph P. Kelly
United States Attorney
District of Nebraska

Via e-mail: joe.kelly@usdoj.gov

Dear Mr. Kelly,

I hope this letter finds you well. I would like to request that your office investigate and file appropriate criminal charges against JBS Grand Island, 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 slaughterhouse, located at 555 S. Stuhr Rd. in Grand Island, JBS staff have ineffectively and repeatedly shot cattle in the head with a captive-bolt gun on at least four occasions since April 2016 and, most recently, apparently failed even to try to stun a cow before shackling and hoisting her while she was fully conscious. The incidents caused cattle to bleed from the nose, struggle, and cry 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:

- **March 30, 2018:** "[A]n animal [was] released from the knock box. The animal rode the belt down standing upright until the chain tightened pulling the animal from its feet. ... [I]t was independently blinking and tracked me as I approached. The animal was also trying to right itself. No blood was visible on the head. I immediately called the safety knocker As the safety knocker attempted to knock the animal it was attempting to dodge the knock. ... After the animal was knocked twice, [redacted] palpated the head and reported feeling two holes. ... Upon evaluation of the skinned head, one dime-sized knock hole was observed."²
- **August 16, 2017:** "[A]n animal came out of the knock box and landed on its feet with a normal head carriage and was looking around in a bright, alert and responsive manner. ... [T]his animal ... fell on its side ... it was shackled. The animal was conveyed up in the air with its head approximately 3 feet off the ground. The animal was vocalizing and attempting to right itself. I immediately yelled to the knock box employees to stop the chain. ... [O]ne [employee] attempted to stun the animal with a hand-held captive bolt gun.

¹7 U.S.C. § 1902.

²FSIS District 15 Manager Anna Gallegos, *Notice of Intended Enforcement, Swift Beef Company, Est. M 969G* (Mar. 30, 2018) <https://www.fsis.usda.gov/wps/wcm/connect/20a4804d-90eb-49ea-a289-4e166631f3b1/M969G-NOIE-032218.pdf?MOD=AJPERES>.

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- This first ... attempt was unsuccessful The employee made another ... attempt and this second stun rendered the animal unconscious."³
- **January 21, 2017:** "[S]ix ... cattle ... were in a penned area Two animals were still standing and there were 3 or 4 employees with hand knockers ... trying to knock the 2 animals. One ... attempted to knock one of the animals but did not render it unconscious. The animal shook its head a few times and ... [had] blood coming ... from the nose. Approximately 3 minutes later, a 2nd knock was attempted. The animal moved away ... and remained standing. Approximately 2 minutes after that, a third attempt ... rendered [the animal] unconscious. Approximately 5 minutes elapsed between the first ... and ... third attempt All the heads were skinned ... one head had a knock hole in the maxillary/nasal bone region [And] [t]here were 2 additional knock holes in the normal target area. Another head had a knock hole on the lateral extent of the brain case in addition to 2 knock holes in the normal target area."⁴
- **October 14, 2016:** "[A] steer [was] stunned with the pneumatic captive bolt gun, shackled ... and hoisted onto the bleed rail. When the steer reached the rail approaching the wash cabinet ... [he] blink[ed] three times ... [the PHV] instructed a plant employee to stop the line The stunner operator stunned the steer with a hand-held captive bolt. The PHV touched the eye and the steer blinked in response [T]he stunner operator ... administered an additional blow. At this point, the animal ... was out of reach. The line was restarted to move the steer As the steer came out of the wash cabinet ... the animal blink[ed] again ... [the PHV] requested ... an additional stun"⁵
- **April 1, 2016:** "[P]lant employees ... wanted to knock [a] non-ambulatory disabled steer in pen 43 with his head underneath the fence. ... The pen employee ... appl[ied] the knock, and the animal was not rendered unconscious; its eyes were tracking and it was lifting its head up. After the second ... attempt, the animal was still not ... unconscious, as its eyes were still tracking. After the third knock ... the animal was ... unconscious"⁶

Additionally, PETA was contacted last year by a concerned whistleblower who claimed that bolt gun placement on cows' heads at JBS was "almost always abnormal." The eyewitness provided [photographs](#) and [video](#) that depicted improper bolt gun placement and a conscious cow hanging on the rail after the throat had been slit.

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 \$1,000.⁷ The fact that

³FSIS District 15 Manager Anna Gallegos, *Notice of Suspension, Swift Beef Company, Est. M 969G* (Aug. 16, 2017) <https://www.fsis.usda.gov/wps/wcm/connect/ef181f4b-fbc2-4e4a-a4e1-efa6235c27bc/M969G-Suspension-081617.pdf?MOD=AJPERES>.

⁴FSIS District 15 Manager Anna Gallegos, *Reinstatement of Suspension, Swift Beef Company, Est. M 969G* (Jan. 21, 2017) <https://www.fsis.usda.gov/wps/wcm/connect/f3ca5387-6bba-4916-80b9-476a7c0e8691/M969G-NOROS-012117.pdf?MOD=AJPERES>.

⁵FSIS District 15 Manager Anna Gallegos, *Notice of Suspension, JBS Grand Island, Inc., Est. M 969G* (Oct. 14, 2016) <https://www.fsis.usda.gov/wps/wcm/connect/bab0d01f-154b-4902-9774-c77cc7d441f4/M969G-Suspension-101416.pdf?MOD=AJPERES>.

⁶FSIS Deputy District 15 Manager Richard T. Atkinson, *Notice of Suspension, JBS Grand Island, Inc., Est. M 969G* (Apr. 1, 2016) <https://www.fsis.usda.gov/wps/wcm/connect/04742107-b32f-465f-a945-f96b007fee1d/M969G-Suspension-040116.pdf?MOD=AJPERES>.

⁷21 U.S.C. § 676.

inhumane handling persists at JBS 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"⁸ with offices such as yours, we respectfully ask that you collaborate with the FSIS Office of Investigation, Enforcement and Audit (OIEA) 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 and 757-962-8326. Thank you for your consideration and for the difficult work that you do.

Sincerely,



Colin Henstock
Investigations Specialist

cc: Carl A. Mayes, Assistant Administrator, OIEA, FSIS

⁸U.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 April 19, 2018).