



Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003

July 19, 2022

The Honorable Thomas J. Vilsack
Secretary of the United States Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250-3700

Dear Mr. Secretary:

I am writing on behalf of the Animal Welfare Institute (AWI) regarding the Animal and Plant Health Inspection Service's oversight of depopulation operations during this year's Highly Pathogenic Avian Influenza (HPAI) outbreak. AWI was founded in 1951 as a nonprofit public interest organization dedicated to reducing animal suffering and promoting the welfare of animals, including those used in agriculture. AWI has addressed issues related to animal euthanasia, slaughter, and depopulation for decades, and we seek to minimize the negative impacts of these practices on the welfare of animals.

AWI monitored animal depopulations during the 2022 HPAI outbreak in the United States through the following means: reviewing records obtained from APHIS and state departments of agriculture, submitting questions to APHIS personnel, gleaning information from news accounts, and viewing video taken inside two depopulations. Based on our research, we have identified the following problems associated with the 2022 HPAI depopulations.

1. The killing method of last resort was used in a majority of the depopulations.

Current USDA policy indicates that killing animals by inducing heatstroke, a method known as Ventilation Shutdown Plus Heat (VSD+ Heat), should only be used when other, more humane methods are not feasible. However, AWI's analysis of APHIS records revealed that VSD+ Heat was used, alone or in combination with other methods, in over half of all commercial depopulations conducted between February and May of this year. Moreover, state records as well as video taken at two depopulation locations provide evidence that not all birds died as a consequence of being subjected to VSD+ Heat. In addition, at one depopulation location, video shows workers killing large numbers of birds by manually applied cervical dislocation and manually applied blunt force trauma. While the guidelines of the American Veterinary Medical Association acknowledge use of these methods to kill *individual* animals, manual depopulation of an entire barn by a small number of workers is not advised.

2. The preferred killing methods were unavailable for use in some depopulations.

In an April letter to AWI, Veterinary Services deputy administrator, Rosemary Sifford, identified water-based foam and carbon dioxide as the USDA's preferred depopulation methods for poultry. However, email communications obtained from state departments of agriculture indicate that there were instances where these methods were unavailable, as well as instances where the

methods were available but were not used. Reasons given for not using the preferred methods included lack of availability of industrial volumes of carbon dioxide in many regions of the country, inadequate water supply for the use of water-based foam, and lack of trained personnel to conduct depopulations with these methods. In addition, it is often noted that one of the preferred methods—water-based foam—is typically not feasible when birds are housed in battery cages, leaving carbon dioxide as the only preferred depopulation method for hundreds of millions of caged birds in the United States. Following the last major HPAI outbreak in 2014-2015, APHIS indicated that it was developing contracts with carbon dioxide suppliers to facilitate whole-house gassing during future outbreaks. It is possible that foam and carbon dioxide supply constraints were unavoidable in 2022; however, given the spread of the virus throughout the world, the USDA was aware that the risk of an outbreak in the United States was extremely high, if not an absolute.

3. The size of poultry operations limited the use of preferred killing methods.

According to Dr. Sifford, “during an HPAI outbreak, depopulating flocks within 24-48 hours is critical,” not only to limit spread of the disease, but to “minimize the amount of time that birds suffer the effects of the disease.” However, the scope of many of the operations—in terms of both the number and size of the barns—likely played a significant role in the choice of method. In many cases, due to the size of the operation, preferred methods could not be carried out within the target deadline of 24-48 hours. In fact, AWI’s review of APHIS records showed that all depopulations involving more than 300,000 birds employed VSD+ Heat, arguably the most inhumane killing method possible.

4. The size of poultry operations limited the ability to control spread of the disease.

Dr. Sifford, in her letter to AWI, cites scientific and epidemiological studies to conclude that conducting response activities within the 24–48-hour window “is critical to reduce the amount of virus in the environment, helping to protect nearby poultry operations from infection and limit the unnecessary loss of animals.” Unfortunately, the massive size of many commercial operations in the United States prevents the USDA from being able to conduct timely depopulations to slow spread of the virus. According to AWI’s analysis of APHIS records, 71 percent of depopulations that took place at locations confining more than 200,000 birds exceeded 48 hours. These depopulations affected more than twenty million birds, and seven of them—each involving over one million birds—took ten days or longer to complete. In its September-December 2021 avian influenza overview, the European Food Safety Authority identified strategies for reducing exposure to HPAI, which included lowering the density of commercial poultry farms, reinforcing biosecurity measures, and possible vaccination programs.

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AWI offers the following recommendations to address the concerns described above: 1) Ensure the availability of adequate supplies of preferred depopulation methods, as well as the training of personnel in their use; 2) Fund and/or conduct research into commercial application of less inhumane killing methods, including high-expansion, nitrogen-filled foam; and 3) Consider your agency’s options, for example under the Animal Health Protection Act, for limiting the size and

density of animal agriculture operations. We also urge the USDA to seriously consider vaccination as a means of dealing with the frequency and severity of HPAI outbreaks.

Thank you in advance for your thoughtful consideration of our comments. Please do not hesitate to contact me at 202-337-2332 or cathy@awionline.org if I can answer any questions or provide additional information.

Sincerely,

A handwritten signature in black ink that reads "Cathy Liss". The signature is written in a cursive, flowing style.

Cathy Liss
President