



REPORT BY THE ANIMAL LAW COMMITTEE

**COMMENTS IN OPPOSITION TO PROPOSED
FOOD SAFETY AND INSPECTION SERVICE RULES INCREASING MAXIMUM
LINE SPEED RATES FOR POULTRY AND SWINE SLAUGHTERHOUSES**

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Maximum Line Speed under the New Swine Slaughter Inspection System

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**Maximum Line Speed Rates for Young Chicken and Turkey Establishments Operating
Under the New Poultry Inspection System**

The Animal Law Committee submits these comments in strong opposition to the federal rules proposed by the Food Safety and Inspection Service (“FSIS”) that would increase maximum line speed rates for poultry and swine slaughterhouses. FSIS argues the proposal would allow New Swine Slaughter Inspection System (“NSIS”) establishments to slaughter swine more efficiently while continuing to ensure food safety and effective online carcass inspection. However, these proposals are arbitrary and capricious, would foreseeably expose consumers to adulterated meat, far exceed the statutory authority granted by the Poultry Products Inspection Act (“PPIA”) and the Federal Meat Inspection Act (“FMIA”), eliminate critical worker safety protections, and expressly reverse prior FSIS determinations without the new evidence FSIS promised to collect over eight years ago. Most significantly, they will foreseeably increase suffering for billions of animals with no apparent justification beyond the industry’s desire for greater efficiency and profit. These proposals abandon the agency’s own standards at the precise moment when this administration should be strengthening—not dismantling—essential and already-proven protections for consumers, workers, and animals.

The result is a rule that weakens federal oversight, increases the risk of animal cruelty, and cannot be reconciled with the statutory mandates of the PPIA, FMIA, or the Humane Methods of Slaughter Act (“HMSA”). These are not technicalities. They are the legal foundations of the federal food safety system, and this agency is proposing to undermine them in the name of industry

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efficiency. For the reasons set forth below, we insist that FSIS is unquestionably bound by law to withdraw both proposed rules immediately.

I. THE PROPOSED RULES EXCEED THE STATUTORY AUTHORITY GRANTED BY THE PPIA AND FMIA

The PPIA and FMIA grant the United States Secretary of Agriculture authority to regulate poultry and meat inspection, authority which has been delegated to FSIS.¹ The PPIA and FMIA were enacted to protect consumers by ensuring that poultry and meat products are wholesome and unadulterated.² A rule that increases line speeds beyond the point at which effective federal inspection can occur is inconsistent with that mandate. Their statutory mandate is food safety, not the deregulation of production efficiency.

Section 455(b) of the PPIA mandates that FSIS cause federal inspectors to inspect the carcass of each bird processed.³ In *American Federation of Government Employees v. Glickman*, 215 F.3d 7 (D.C. Cir. 2000), the D.C. Circuit held that both the PPIA and FMIA require federal inspectors, not plant employees, to make the determination of whether each carcass is adulterated or unadulterated. That logic extends directly to line speed: an inspector who cannot meaningfully examine each carcass at 175 birds per minute (bpm) is not performing the inspection the statute demands. FSIS's own regulations confirm this — under 9 C.F.R. § 381.69(d), inspectors must slow or stop the line whenever bird-by-bird inspection cannot be adequately performed. The proposed rule does not address where that threshold lies; instead it assumes that 175 bpm is safe for all establishments without individual consideration.

For swine, the problem is even more severe. The FMIA contains the same carcass-by-carcass inspection mandate as the PPIA, requiring that federal inspectors examine all amenable species including swine.⁴ The proposed swine rule would eliminate all line speed caps entirely, allowing plants to set their own speeds with no federal upper limit. This creates a direct conflict: FSIS is removing any limit on how fast plants can operate, while the statutory obligation to inspect every single carcass remains unchanged. A court already held in *Glickman* that this inspection duty cannot be delegated or abandoned. A rule that makes it impossible to fulfill that duty in practice is no different from abandoning it in law. Furthermore, a step this drastic — surrendering the agency's standard-setting function to the industry entirely — requires clear congressional authorization that does not exist in the FMIA.⁵

¹ 7 C.F.R. §§ 2.18, 2.53.

² 21 U.S.C. § 451 et seq.; 21 U.S.C. § 601 et seq.

³ 21 U.S.C. § 455(b).

⁴ 21 U.S.C. § 604; see also *Am. Fed'n of Gov't Employees v. Glickman*, 215 F.3d 7, 11 (D.C. Cir. 2000).

⁵ *West Virginia v. EPA*, 142 S. Ct. 2587 (2022).

II. FSIS DOES NOT HAVE SUFFICIENT EVIDENCE TO APPLY THESE RULES TO THE ENTIRE INDUSTRY

A. Poultry

The proposed poultry rule primarily relies on data from the twenty Hazard Analysis and Critical Control Point (HACCP)-Based Inspection Models Project (HIMP) pilot establishments, in which a group of self-selected volunteers operated at elevated speeds for over two decades while being closely monitored.⁶ When FSIS used the resulting data to create the New Poultry Inspection System (NPIS) in 2014, it explicitly set the general limit at 140 bpm, not 175, stating that it intended to "assess the impact of changes adopted by establishments operating under the NPIS" before considering any broader increase.⁷ The twenty HIMP facilities were grandfathered in at 175 bpm as a narrow exception specifically because "data from the HIMP pilot demonstrated that these establishments were capable of consistently producing safe, wholesome and unadulterated product" — a track record unique to them and not necessarily shared by the broader industry.⁸ FSIS then set up a waiver program to collect the missing data, stating that "the data collected from establishments that are granted these waivers will allow FSIS to evaluate the ability of NPIS establishments that did not participate in the HIMP pilot to maintain process control at line speeds of up to 175 bpm."⁹ That broader evaluation never happened. In 2020, FSIS stopped accepting new waiver requests, declaring it had "collected sufficient data from participating establishments to move forward with rulemaking," and did exactly that — without ever studying a single non-waiver establishment.¹⁰ The PULSE study, which FSIS now uses as its main evidence, enrolled workers at eleven establishments that already had speed waivers, many of which did not even operate at 175 bpm but, rather, stayed between 140 and 160 bpm.¹¹

FSIS is now proposing to make 175 bpm the rule for everyone based on data it previously said was insufficient to support exactly that conclusion, without a sufficient reasonable explanation of what has changed. This constitutes a flagrant disregard for federally prescribed, Supreme Court-confirmed standards of reasoned agency decision-making, and renders these proposed rules unlawful.¹²

⁶ 91 Fed. Reg. 7926, 7928 (Feb. 19, 2026); 83 Fed. Reg. 49048, 49051 (Sept. 28, 2018).

⁷ 79 Fed. Reg. 49566, 49591 (Aug. 21, 2014).

⁸ Id., cited in 91 Fed. Reg. 7926, 7927 (Feb. 19, 2026).

⁹ 83 Fed. Reg. 49048, 49052 (Sept. 28, 2018).

¹⁰ 91 Fed. Reg. at 7927.

¹¹ Poultry Processing Line Speed Evaluation Study (PULSE), FSIS (Jan. 9, 2025), https://www.fsis.usda.gov/sites/default/files/media_file/documents/PULSE_PoultryStudy_250109_Final.pdf. (All websites last accessed April 17, 2026)

¹² *Motor Vehicle Manufacturers Ass'n v. State Farm*, 463 U.S. 29 (1983), <https://supreme.justia.com/cases/federal/us/463/29/>; *FCC v. Fox Television Stations*, 556 U.S. 502 (2009), <https://supreme.justia.com/cases/federal/us/556/502/>.

B. Swine

The swine rule has the same problem — and in some respects a worse one. The entire evidentiary record rests on just six establishments that volunteered for the Time-Limited Trial ("TLT") waiver program.¹³ Notably, FSIS itself acknowledged that the initial data collected from those six establishments "was not robust enough to understand the impact of line speed on worker health and safety," requiring a second round of data collection from the same six plants.¹⁴ A federal court already struck down a prior version of this same rule — eliminating line speed caps for swine — as arbitrary and capricious because FSIS failed to adequately consider public comments on worker safety.¹⁵ FSIS is now proposing the same elimination of all speed caps based on data from the same narrow group of volunteer establishments. If the evidentiary record is too thin to justify a universal speed increase for poultry, it is certainly too thin to justify handing that decision over to the industry altogether for swine.

III. THE REMOVAL OF WORKER SAFETY ATTESTATIONS IS ARBITRARY AND CAPRICIOUS

Both proposed rules eliminate the requirement that establishments submit annual attestations confirming that they maintain programs to monitor worker safety, on the ground that worker safety falls outside FSIS's statutory authority.¹⁶ FSIS operated under this oversight framework for years, conditioning speed waivers on the submission of worker safety data and funding the Worker Safety Study on that basis.¹⁷ Having collected what it needed, it now proposes to discard the collection mechanism entirely. An agency that abandons a longstanding safeguard at the precise moment that safeguard is most needed has not met the standard of reasoned agency action the APA demands.

Whatever the merits of that legal position, the timing makes the rules irrational. FSIS is proposing to permanently increase line speeds across the entire industry while simultaneously eliminating the primary mechanism for monitoring whether those increased speeds are causing harm. Under *Motor Vehicle Manufacturers Ass'n v. State Farm*, 463 U.S. 29 (1983), an agency acts arbitrarily and capriciously when it fails to consider an important aspect of the problem. Removing safety monitoring tools at the exact moment you are expanding the activity those tools were designed to oversee is not reasoned decision-making.

This concern is exacerbated by the fact that FSIS is losing the very inspectors it would need to enforce these rules. The United States Department of Agriculture's (USDA) own Office of Inspector General found that USDA lost over 20,000 employees — roughly 18% of its entire

¹³ 91 Fed. Reg. 7905, 7906 (Feb. 19, 2026).

¹⁴ *Id.*

¹⁵ UFCW Local No. 663 v. USDA, 532 F. Supp. 3d 741 (D. Minn. 2021).

¹⁶ 9 C.F.R. §§ 381.45, 381.46; 91 Fed. Reg. 7926, 7927 (Feb. 19, 2026).

¹⁷ 91 Fed. Reg. at 7927.

workforce — in just the first six months of 2025.¹⁸ Within FSIS specifically, more than 63% of the employees who left were inspectors, and those who left had an average of 16 years of service.¹⁹ In summary, FSIS is proposing to run plants faster, with less oversight, and with fewer experienced inspectors to catch problems — and then eliminating the only reporting requirement that would have told us whether any of it was working.

IV. INCREASED LINE SPEEDS WILL FORESEEABLY CAUSE INCREASED ANIMAL CRUELTY

The existing record already documents widespread animal cruelty at current speeds — before any increase. USDA inspection records from 2020 through 2022 report birds being mutilated by machinery, slammed against walls, and buried alive at approximately 350 federally inspected poultry slaughter plants, yet inspectors took action to prevent abuse in only 12% of documented incidents. Of the 21 plants that received more than 10 humane handling citations, USDA issued only five letters of concern — none of which were referred to law enforcement for potential state animal cruelty violations.²⁰ This is the baseline from which the proposed rule would accelerate operations.

Undercover investigations at plants already operating at 175 bpm under the prior waiver program confirm that higher speeds make this worse. At Amick Farms in Hurlock, Maryland — one of the original HIMP facilities authorized to run at 175 bpm — investigators documented workers mishandling birds by punching and throwing them to keep pace with the line, live birds entering the scald tank, and line breakdowns leaving birds drowning in the stun bath.²¹ Amick Farms' own president acknowledged in response that "some of the actions in the video are clear violations of our animal welfare policies."²²

FSIS has acknowledged since at least 2005 that inhumane handling produces adulterated product: "poultry products are more likely to be adulterated if . . . they are produced from birds that have not been treated humanely, because such birds are more likely to be bruised or to die

¹⁸ U.S. Dep't of Agriculture, Office of Inspector General, USDA Staffing Levels Report (2025), https://usdaoig.oversight.gov/sites/default/files/reports/2025-12/USDA%20Staffing%20Levels%20Final%20Report%20-%20Dec%202017_508-signed.pdf.

¹⁹ National Sustainable Agriculture Coalition, USDA Staffing Crisis: Food Safety Agencies Struggle as Federal Workforce Shrinks (Nov. 2025) (citing OPM data), <https://sustainableagriculture.net/blog/usda-staffing-crisis-food-safety-agencies-struggle-as-federal-workforce-shrinks/>.

²⁰ Animal Welfare Institute, Poultry Slaughter Plants Continue to Evade USDA Enforcement (Dec. 2023), available at <https://awionline.org/press-releases/new-report-poultry-slaughter-plants-continue-evade-usda-enforcement>.

²¹ Justin Wm. Moyer, Maryland chicken plant investigated after video shows alleged animal abuse, Wash. Post (Nov. 16, 2018), available at https://www.washingtonpost.com/local/public-safety/maryland-chicken-plant-investigated-after-video-shows-alleged-animal-abuse/2018/11/16/48b61512-e91f-11e8-85cb-5d266381f5b4_story.html.

²² Animal Outlook, Amick Farms Investigation (2018), available at <https://animaloutlook.org/investigations/amick-farms/>.

other than by slaughter."²³ A rule that makes inhumane handling more likely cannot satisfy the PPIA's requirement that poultry products be wholesome.

For swine, HMSA, 7 U.S.C. §§ 1901–1907, requires that animals be rendered insensible to pain prior to slaughter. Eliminating all speed caps for swine means there is nothing stopping a plant from running its line so fast that it becomes physically impossible to stun every animal before slaughter. A rule that will foreseeably cause HMSA violations is not a lawful exercise of FSIS's rulemaking authority.

The deliberate acceleration of operations in the face of this documented record of cruelty — with full knowledge that faster speeds foreseeably increase animal suffering — constitutes not merely unacceptable government policy, but a willful violation of the PPIA's wholesomeness mandate, the HMSA's humane slaughter requirements, and the agency's own longstanding directives. No administration committed to lawful governance may pursue such a course.

V. CONCLUSION

The Animal Law Committee respectfully and urgently insists that FSIS is incontrovertibly bound by law to withdraw both proposed rules. The agency is proposing to make 175 bpm the universal standard for an industry it has never thoroughly tested at that speed, based on data it previously said was insufficient to support exactly that conclusion. It is doing so while eliminating the worker safety reporting requirements that generated its own supporting evidence, at a time when it is losing the experienced inspectors needed to enforce any of it. Again, these are not technicalities but the legal foundations of the federal food safety system, and this agency is proposing to undermine them in the name of industry efficiency. This is neither lawful nor in the public interest.

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²³ Treatment of Live Poultry Before Slaughter, 70 Fed. Reg. 56,624 (Sept. 28, 2005).