

TEXAS DEPARTMENT OF STATE HEALTH SERVICES
MEAT SAFETY ASSURANCE
AUSTIN, TEXAS

<h1>MSA NOTICE</h1>	09-18	2/07/2018
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**REQUIREMENTS FOR THE DISPOSITION OF NON-AMBULATORY
DISABLED VEAL CALVES**

I. PURPOSE

This notice reissues the instructions previously provided in MSA 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). MSA 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 MSA 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 MSA Directive 6,900.2, *Humane Handling and Slaughter of Livestock*).

B. Non-ambulatory disabled cattle, including veal calves, that are offered for slaughter must be condemned and promptly euthanized.

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 MSA 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 Circuit Manager Veterinarian (CMV) 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 CMV 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 through supervisory channels.

A handwritten signature in blue ink that reads "James R. Dillon". The signature is written in a cursive style with a large initial 'J' and 'D'.

James R. Dillon, DVM, MPH
Director, Texas State Meat and Poultry Inspection Program
Department of State Health Services