

# NOT FOR HUMAN CONSUMPTION: HOW TO ALLEVIATE THE CRUELTY PLAGUING THE PET FOOD INDUSTRY IN THE UNITED STATES

By  
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*“The question is not, ‘Can they reason?’ nor, ‘Can they talk?’ but rather, ‘Can they suffer?’”*

*Jeremy Bentham*

*Almost 37 billion dollars of pet food was sold in 2019, a sum that increased to approximately 42 billion dollars in 2020. In fact, forty-two of the fifty states have pet food facilities producing more than 3 million tons of animal-based pet food ingredients. Yet, in the last decade, multiple pet food brands have been found to contain trace amounts of euthanasia ‘death drugs’ and are made from 3D or 4D animals — those that are dead, dying, diseased, or disabled. While this can often cause sickness or death in companion animals, an equally urgent issue is the welfare of the animals being slaughtered to produce these poorly regulated and often dangerous pet food products.*

*Despite the slaughtering of farmed animals occurring at these facilities, oversight is limited to the Food and Drug Administration (FDA), rather than the United States Department of Agriculture (USDA). In fact, animals slaughtered for human consumption receive far more protection under the USDA’s authority than animals slaughtered for nonhuman consumption under the authority of the FDA. This means that a multibillion-dollar pet food industry is slaughtering animals in the United States, yet it is exempt from most animal welfare regulations.*

*The pet food industry exemplifies the ironic reality that the animals humans purport to love most, our dogs and cats, are likely fed at the expense of some of the worst animal cruelty. Advocates and consumers concerned about animal welfare should not be satisfied with the mere food safety standards of the FDA; rather, the statutes enforced by the USDA for the humane treatment and welfare of animals slaughtered for food should be applicable regardless of whether the animals are slaughtered for human or nonhuman*

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*consumption. This Article argues the USDA should expand their oversight to include facilities slaughtering animals for nonhuman consumption, and that future legislation should serve to protect animals intended for both human and nonhuman consumption. Part II of this Article reviews the regulatory and legislative background of the pet food industry in the United States. Part III analyzes the animal welfare issues within the current landscape. Finally, Part IV offers specific solutions and opportunities for future research and improvements in the pet food industry.*

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## I. INTRODUCTION

Perhaps no scene from the Netflix docuseries *Tiger King: Murder, Madness, and Mayhem* is as disturbing as the image of expired meat tumbling out of a truck into garbage cans to be served to the animals at Joe Exotic’s ‘zoo.’<sup>1</sup> For those who have yet to see *Tiger King*, filmmakers discovered that one of the primary feeding sources for the abused exotic animals were trucks full of expired meat from Walmart.<sup>2</sup> This quickly elicited outrage and disgust from the public,<sup>3</sup> but consum-

<sup>1</sup> *Tiger King: Murder, Mayhem, and Madness, Episode 2: Cult of Personality* (Netflix 2020).

<sup>2</sup> *Id.*

<sup>3</sup> Christian Long, ‘*Tiger King*’ Fans are Totally Grossed Out Over Walmart Meat Truck Scenes, POPCULTURE (Mar. 31, 2020), <https://perma.cc/DUS4-VS8R> (accessed Oct. 1, 2021).

ers may be surprised to learn that commercially sold pet food is not much better than a truck full of expired meat.<sup>4</sup> The reality is many pet food products are composed of pet by-products or “meat meal,” consisting of dead animal parts not used for human consumption, such as bones, blood, intestines, etc.<sup>5</sup>

In fact, food produced at pet food slaughter and rendering facilities is often contaminated with trace amounts of ‘death drugs’ used for euthanasia<sup>6</sup> or come from 3D or 4D — meaning dead, dying, diseased, or disabled—animals<sup>7</sup> who were *already rejected* for human consumption.<sup>8</sup> The exact number of facilities who deal with animals who are still alive versus dead upon arrival is unknown; the U.S. Food and Drug Administration (FDA) does not distinguish between 3D and 4D facilities and the information is not readily available to the public.<sup>9</sup>

The FDA, rather than the U.S. Department of Agriculture (USDA), exclusively regulates the slaughtering of sick and injured farmed animals occurring at pet food slaughter and rendering facilities. Without USDA oversight, the FDA is the only federal agency responsible for monitoring pet food facilities, but the primary mission of the FDA is “ensuring the safety of our nation’s food supply.”<sup>10</sup> The FDA is not charged with addressing animal cruelty, nor is it principally concerned with how a product is made (or who is slaughtered to create it). Instead, the FDA’s main priority is merely the final product: what it is made of and whether it is suitable for human consumption.<sup>11</sup> Regardless, animals slaughtered for *human* consumption receive far more federal regulatory protection under the USDA’s authority than animals slaughtered in pet food facilities regulated only by the FDA.

Similarly, state regulations rarely give the same attention to animals slaughtered for nonhuman consumption as animals slaughtered for human consumption. Some states have no specific regulation for

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<sup>4</sup> For this Article, “pet food” refers to any food not intended for human consumption, including for cats, dogs, and exotic animals.

<sup>5</sup> INST. FOR FEED EDUC. AND RSCH., PET FOOD PROD. & INGREDIENT ANALYSIS 19 (Mar. 2020).

<sup>6</sup> See Mollie Morissette, *Death Drug Found in One of the U.S.’s Largest Pet Food Ingredient Makers; Euthanized Animals to Blame*, POISONED PETS (Dec. 17, 2019), <https://perma.cc/B42N-ZMZH> (accessed Oct. 8, 2021) (explaining that the U.S. Food and Drug Administration found pentobarbital, a drug used to euthanize animals, in animal fat products during inspections of a rendering company in the United States).

<sup>7</sup> CTR. FOR EPIDEMIOLOGY & ANIMAL HEALTH NAT’L SURVEILLANCE UNIT, SUMMARY OF ENHANCED BSE SURVEILLANCE IN THE U.S. 4 (Apr. 27, 2006) (“3D/4D facilities are slaughter facilities that salvage meat from dead, dying, disabled, or diseased animals.”).

<sup>8</sup> See Federal Meat Inspection Act, 21 U.S.C. § 644 (prohibiting the purchase or sale of 4D animals to ensure that 4D animals are prevented from being used for human food purposes).

<sup>9</sup> A Freedom of Information Act Request (FOIA) could likely retrieve the names of 3D and 4D facilities that have violations with the FDA, but there is no accessible registry of such facilities. Freedom of Information Act, 5 U.S.C. § 552.

<sup>10</sup> *About FDA: What We Do*, U.S. FOOD & DRUG ADMIN. (updated Mar. 28, 2018), <https://perma.cc/N7GU-QDRD> (accessed Oct. 8, 2021).

<sup>11</sup> 21 U.S.C. § 331.

pet food production at all,<sup>12</sup> while others explicitly state that pet food slaughterhouses are exempt from animal welfare requirements.<sup>13</sup> While regulation differs slightly across most states,<sup>14</sup> almost every state delineates between animals intended for nonhuman versus human consumption<sup>15</sup> and no state has regulation concerning the welfare of animals slaughtered specifically for pet food.<sup>16</sup> This creates the same disparity in state animal welfare protections based on human versus nonhuman consumption that exists at the federal level. Notably, almost 37 billion dollars worth of pet food was sold in 2019, a sum that increased to approximately 42 billion dollars in 2020.<sup>17</sup> In fact, forty-two of the fifty states have pet food manufacturing facilities<sup>18</sup> that produce more than 3 million tons<sup>19</sup> of animal-based pet food ingredients.<sup>20</sup> High levels of production and a lack of regulation result in a multibillion-dollar industry exempt from most animal welfare regulations. Indeed, the pet food industry exemplifies the ironic reality that the animals humans purport to love most, our dogs and cats, are likely fed at the expense of some of the worst animal cruelty.

While the health and wellbeing of companion animals who consume pet food is certainly of the utmost importance, it is not the primary focus of this Article.<sup>21</sup> The animal agriculture industry is concerned almost exclusively with food safety for human consumption and overlooks millions of animals destined for nonhuman consumption. Thus, an even more urgent issue is the welfare of the animals who are being slaughtered to produce these poorly regulated and often dangerous pet food products. Advocates and consumers concerned about animal welfare should not be satisfied with the food safety standards of the FDA. Rather, the statutes enforced by the USDA for the humane treatment and welfare of animals slaughtered for food should

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<sup>12</sup> Florida, Arizona, and Hawaii, among others, have no specific regulation for pet food production. *See infra* Appendix A. States are not federally required to regulate pet food production. *See infra* note 27 and accompanying text.

<sup>13</sup> CAL. HEALTH & SAFETY CODE § 113035 (West 2021). California specifically notes that animals deemed unfit for human consumption due to illness or injury may be used in pet food products. *See infra* Appendix A.

<sup>14</sup> *See infra* Appendix A.

<sup>15</sup> *See infra* Appendix A.

<sup>16</sup> *See infra* Appendix A.

<sup>17</sup> Emma Bedford, *Pet Market Sales in the United States from 2011 to 2021, By Category*, STATISTA (Apr. 8, 2021), <https://perma.cc/YLX9-RJ92> (accessed Oct. 14, 2021).

<sup>18</sup> INST. FOR FEED EDUC. & RSCH., *supra* note 5, at 9.

<sup>19</sup> *Id.* at 14.

<sup>20</sup> *Id.* Animals slaughtered for pet food are not counted by number, but instead by tonnage. Thus, it is impossible to get an exact number for how many animals are slaughtered specifically for pet food.

<sup>21</sup> *See generally* Justine S. Patrick, *Deconstructing the Regulatory Façade: Why Confused Consumers Feed their Pets Ring Dings and Krispy Kremes* (Apr. 2006) (Third Year Paper, Harv. Univ.) (on file with Harvard Library, Office of Scholarly Communication) (documenting the issues relating to the welfare of animals who *consume* pet food products).

be applicable *regardless* of whether the animals are slaughtered for human or nonhuman consumption.

This Article argues the USDA should expand their oversight to include facilities slaughtering animals for nonhuman consumption, and that future legislation should serve to protect animals intended for both human and nonhuman consumption. Part II of this Article reviews the regulatory and legislative background of the pet food industry in the United States. Part III analyzes the animal welfare issues within the current landscape. Finally, Part IV offers specific solutions and opportunities for future research and improvements in the pet food industry.

## II. THE PET FOOD INDUSTRY: FEDERAL AND STATE REGULATORY SCHEMES

Animals used in the production of food for human consumption are usually overseen by the USDA.<sup>22</sup> The USDA is the primary enforcement agency for the two main statutory protections for animals in the food system—the Humane Methods of Slaughter Act (HMSA)<sup>23</sup> and the Federal Meat Inspection Act (FMIA).<sup>24</sup> In the case of pet food, federal regulation is limited to FDA oversight under the Federal Food, Drug, and Cosmetic Act (FFDCA).<sup>25</sup> This limited federal protection is partially due to influence from groups like The Pet Food Institute, a trade group representing 97% of major U.S. pet food manufacturers,<sup>26</sup> which “serves as the ‘voice’ of the industry to Congress, state and federal agencies.”<sup>27</sup>

Meanwhile, each state may have its own “animal feed regulatory agency which regulate[s] pet food sold or manufactured within their state.”<sup>28</sup> There is significant variance across the fifty states in over-

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<sup>22</sup> *About Animal Care*, U.S. DEP’T OF AGRIC.: ANIMAL & PLANT HEALTH INSPECTION SERV. (updated June 2, 2020), <https://perma.cc/JG65-WS2R> (accessed Oct. 14, 2021) (explaining that the purpose of the USDA’s Animal and Plant Health Inspection Service is to “ensure the humane treatment of animals covered by the Animal Welfare Act[,] eliminate soring and promote fair competition at events covered by the Horse Protection Act[,] and] provide national leadership on the safety and well-being of pets and other animals in disasters”).

<sup>23</sup> 7 U.S.C. §§ 1901–1907; see *Humane Methods of Slaughter Act*, U.S. DEP’T OF AGRIC.: NAT’L AGRIC. LIBR., <https://perma.cc/FMV5-EAX9> (accessed Nov. 2, 2021) (explaining that the HMSLA is enforced by the USDA Food Safety and Inspection Service).

<sup>24</sup> 21 U.S.C. §§ 601–695; see *Summary of Federal Inspection Requirements for Meat Products*, U.S. DEP’T OF AGRIC., [https://www.fsis.usda.gov/sites/default/files/media\\_file/2021-02/Fed-Food-Inspect-Requirements.pdf](https://www.fsis.usda.gov/sites/default/files/media_file/2021-02/Fed-Food-Inspect-Requirements.pdf) (accessed Nov. 2, 2021) (explaining that the USDA Food Safety and Inspection Service, as required by FMIA, is responsible for the inspection of all meat sold commercially).

<sup>25</sup> 21 U.S.C. §§ 301–399.

<sup>26</sup> *Associate and Affiliate Members*, PET FOOD INST., <https://perma.cc/6XYD-VT7J> (accessed Oct. 14, 2021) (listing twenty-four associate and affiliate members); see also Patrick, *supra* note 21, at 8 (stating that the Pet Food Institute represents “97% of the U.S. pet food manufacturers”).

<sup>27</sup> Patrick, *supra* note 21, at 8.

<sup>28</sup> *Id.*

sight of pet food. Some states, like Alaska, do not specify a responsible agency at all,<sup>29</sup> while others establish the state's Department of Health or Department of Agriculture as the responsible agency.<sup>30</sup> Despite this dual level of state and federal regulatory authority, protections for animals used in the pet food industry are virtually nonexistent.

A. *Federal Law and Regulations Concerning Animals Used in the Food System*

Federally, there are two statutes designed to specifically include farmed animals: the Humane Methods of Livestock Slaughter Act and the Federal Meat Inspection Act.<sup>31</sup> These statutes are both enforced by the USDA Food Safety and Inspection Service.<sup>32</sup> Additionally, the FDA holds some regulatory power over human food products and production under the Federal Food, Drug, and Cosmetics Act.<sup>33</sup>

i. *The Federal Meat Inspection Act*

The Federal Meat Inspection Act (FMIA) was created to protect “the health and welfare of consumers” by ensuring that “meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled and packaged.”<sup>34</sup> The FMIA mandates inspection of animals before slaughter under control of the Secretary of Agriculture, placing the FMIA under the purview of the USDA.<sup>35</sup> The FMIA also provides an enforcement mechanism for the Humane Methods of Slaughter Act by permitting inspectors to refuse or suspend inspections at facilities that may have violated the humane slaughter provisions.<sup>36</sup> The FMIA also mandates regulation of 4D animals, but only to prevent 4D animals from “being used for human food purposes.”<sup>37</sup> Notably, the FMIA explicitly states that “[i]nspection *shall not* be provided . . . at any establishment for the slaughter of cattle, sheep, swine, goats, horses, mules, or other equines . . . which are not intended for use as human food.”<sup>38</sup> This exception allows facilities producing only pet food to avoid USDA inspections.

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<sup>29</sup> See *infra* Appendix A.

<sup>30</sup> See *infra* Appendix A.

<sup>31</sup> 7 U.S.C. §§ 1901–07; 21 U.S.C. §§ 601–95.

<sup>32</sup> 21 U.S.C. § 679(c); *Humane Methods of Slaughter Act*, U.S. DEP'T OF AGRIC. NAT'L AGRIC. LIBRARY, <https://perma.cc/FMV5-EAX9> (accessed Oct. 13, 2021). See also, sources cited *supra* notes 23–24.

<sup>33</sup> 21 U.S.C. §§ 301–99.

<sup>34</sup> 21 U.S.C. § 602.

<sup>35</sup> *Id.* § 603(a).

<sup>36</sup> *Id.* § 603(b).

<sup>37</sup> *Id.* § 644.

<sup>38</sup> *Id.* § 641 (emphasis added).

ii. *The Humane Methods of Livestock Slaughter Act*

The Humane Methods of Livestock Slaughter Act was designed to ensure that animals raised for food be spared “needless suffering.”<sup>39</sup> In reality, this means only animals “slaughtered in USDA inspected slaughter plants.”<sup>40</sup> The HMLSA lists only two methods of slaughtering deemed to be humane: (1) rendering animals insensible to pain by “a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast or cut,”<sup>41</sup> and (2) by ensuring that ritual slaughter methods cause the animal to lose consciousness.<sup>42</sup>

The USDA is responsible for ensuring HMLSA compliance in inspected facilities.<sup>43</sup> Notably, the HMLSA lacks a general enforcement provision.<sup>44</sup> Instead, inspectors may only enforce the regulations by threatening to halt operations under the Federal Meat Inspection Act. For example, if “an inspector observes an incident of inhumane slaughter or handling in connection with slaughter,” and the operator fails to correct it, the inspector may attach a “U.S. Rejected” tag to equipment, alleyways, or the stunning area.<sup>45</sup> The lack of enforcement of by the HMLSA and lack of transparency in slaughterhouses makes it difficult to determine the effectiveness with this method of HMLSA enforcement.<sup>46</sup> Thus, due to the exemption from USDA inspection for pet food slaughtering facilities, animals slaughtered for pet food are not protected under the HMLSA.

iii. *The Federal Food, Drug, and Cosmetics Act*

The Federal Food, Drug, and Cosmetics Act (FFDCA) promotes “honesty and fair dealing in the interest of consumers.”<sup>47</sup> The FFDCA gives the FDA authority to oversee the safety of food, drugs, and cosmetics by focusing on adulterated, misbranded, and labeling requirements.<sup>48</sup> For purposes of this Article, the analysis focuses on the standard for adulteration in food products, defined by the FFDCA as

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<sup>39</sup> 7 U.S.C. § 1901.

<sup>40</sup> See *Humane Methods of Slaughter Act*, U.S. DEP’T OF AGRIC: NAT’L AGRIC. LIBRARY, <https://perma.cc/34KL-BR7P> (accessed Oct. 13, 2021) (“This Act requires the proper treatment and humane handling of all food slaughtered in USDA inspected slaughter plants. It does not apply to chicken or other birds.”).

<sup>41</sup> 7 U.S.C. § 1902(a).

<sup>42</sup> *Id.* § 1902(b).

<sup>43</sup> *Id.* at 150.

<sup>44</sup> *Levine v. Vilsack*, 587 F.3d 986, 993 (9th Cir. 2009) (“[T]he HMSA of 1958 presently contains no statutory enforcement mechanisms . . .”).

<sup>45</sup> 9 C.F.R. §§ 313.50(a)–(c) (2021).

<sup>46</sup> David J. Wolfson, *Beyond the Law: Agribusiness and the Systemic Abuse of Animals*, 2 LEWIS & CLARK ANIMAL L. REV. 123, 126 (1996) (noting that effectiveness of the statutes is difficult to determine because “there is insufficient enforcement and the slaughterhouses are off-limits to the general public”).

<sup>47</sup> 21 U.S.C. § 341.

<sup>48</sup> *Id.* § 342–343.

“articles used for food or drink for man *or other animals* . . . .”<sup>49</sup> The FFDCA identifies adulteration by looking at whether “the food has been manufactured under such conditions that it is unfit for food.”<sup>50</sup> Notably, “conditions unfit for food” avoids the humane treatment or wellbeing of the animals being slaughtered, but rather focuses on whether the food has been “prepared, packed, or held under insanitary conditions.”<sup>51</sup>

Additionally, when there is a “reasonable probability that an article of food . . . is adulterated,” the responsible party must be given “an opportunity to cease distribution and recall such article” within a prescribed timeframe.<sup>52</sup> If the operator fails to meet the deadline, they may be ordered “to immediately cease distribution.”<sup>53</sup> Essentially, violators must be given time to correct their mistakes under the FFDCA before they can be punished for violations.

#### *iv. Modern Legislative Efforts*

The discrepancy in protection between animals intended for human versus nonhuman consumption is still a fixture of modern and progressive animal welfare legislation. An example is the proposed federal Safeguard American Food Exports (SAFE) Act, which seeks to ban the slaughter or export of live horses for human consumption in the United States.<sup>54</sup> Although the SAFE Act has failed to pass through the House Subcommittee on Consumer Protection and Commerce as of May 2021,<sup>55</sup> the SAFE Act is often promoted by prominent animal welfare groups like the Humane Society of the United States as a means to “permanently ban horse slaughter in the U.S. and end the export of horses for slaughter abroad.”<sup>56</sup> Yet, the SAFE Act only addresses

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<sup>49</sup> *Id.* § 321(f) (“the term ‘food’ means (1) articles used for food or drink for man *or other animals*, (2) chewing gum, and (3) articles used for components of any such article.”) (emphasis added).

<sup>50</sup> 21 C.F.R. § 507.1(a)(1)(i).

<sup>51</sup> *Id.* § 507.1 (a)(1)(ii).

<sup>52</sup> 21 U.S.C. § 350l(a).

<sup>53</sup> *Id.* § 350l(b)(1)(A).

<sup>54</sup> Safeguard American Food Exports (SAFE) Act of 20201, H.R. 3355, 117th Cong. (2021). The 2013’s House version was introduced by former Rep. Patrick Meehan (R-PA7), attracting 183 bipartisan cosponsors: 150 Democrats and 33 Republicans. 2015’s House version was introduced by former Rep. Frank Guinta (R-NH1), attracting an even larger 199 bipartisan cosponsors: 157 Democrats, 41 Republicans, and one Independent. 2017’s House version was introduced by Rep. Vern Buchanan (R-FL16), attracting an even larger 218 bipartisan cosponsors: 172 Democrats and 46 Republicans. At that point, just more than half the House signed on as cosponsors. 2019’s House version was introduced by Rep. Schakowsky, attracting an even larger 237 bipartisan cosponsors: 208 Democrats and 29 Republicans. In other words, 54 percent of the House signed on as cosponsors.

<sup>55</sup> *All Info*, SAFE Act of 2021, H.R. 3355, 117th Cong. (2021), <https://perma.cc/8WSJ-GE37>.

<sup>56</sup> ASPCA, *Animal Welfare Groups Commend Federal Lawmakers for Reintroducing Bill to Ban Horse Slaughter*, PRNewswire (May 19, 2021) <https://perma.cc/W8ZF-P6AA> (accessed Nov. 20, 2021).

slaughter for human consumption and thus overlooks an entire category of animal slaughter.<sup>57</sup> Moreover, many welfare groups and consumers appear to be under the impression that the last horse slaughter facility in the United States shut down in 2007;<sup>58</sup> the reality is that the only facilities slaughtering horses for human consumption were shut down. States, like California, have statutes that specifically note “[h]orses, mules, burros, cattle, sheep, goats and swine may be slaughtered on the premises of a pet food slaughterer.”<sup>59</sup> In fact, almost annually, the FDA finds that pet food rendering facilities contain food contaminated with pentobarbital, a chemical commonly found in slaughtered animals like horses.<sup>60</sup> Moreover, several horse meat products are actively sold and marketed to those who keep exotic animals in the United States.<sup>61</sup> Thus, contrary to the popular belief of activists and consumers alike, horse slaughter remains legal in the United States. And even if the latest and most progressive legislation passed today, this would likely still be the case.

### B. Federal Agencies and Animal Agriculture

Either the USDA or the FDA enforce federal statutes regulating animals used in the food industry. The FDA and USDA also regulate human food products and slaughter facilities.<sup>62</sup> Meanwhile, the FDA exclusively regulates pet food products and slaughter facilities.<sup>63</sup> This lack of oversight by the USDA is problematic for animals being slaugh-

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<sup>57</sup> See *id.* (stating that the purpose of the Act is “[t]o prevent human health threats posed by the consumption of equines raised in the United States”).

<sup>58</sup> See Erin Kelly, *Ban on Slaughtering Horses for Meat Gets Last-Minute Renewal in Spending Law Trump Signed*, USA TODAY (Mar. 26, 2018), <https://perma.cc/ZS4U-QTU5> (accessed Oct. 10, 2021) (“The last three horse slaughterhouses—two in Texas and one in Illinois—were closed in 2007.”); Dan Flynn, *Bill Permanently Banning Horse Slaughter and Limiting Exports Gets Hearing*, FOOD SAFETY NEWS (Jan. 30, 2020), <https://perma.cc/38G6-AR69> (accessed Oct. 10, 2021). See also, *SAFE Act Would End International Export of Horses for Food Slaughter*, THE NAT’L HUMANE EDUC. SOC’Y, <https://perma.cc/UY83-4VKF> (accessed Oct. 14, 2021) (“The USDA shut down the last remaining horse slaughter ‘plants’ and banned horse slaughterhouses in 2007.”).

<sup>59</sup> CAL. FOOD & AGRIC. CODE § 19353 (West 2019); see also, GA. CODE ANN. § 26-2-156 (listing exceptions to prohibition on horse slaughter within the state).

<sup>60</sup> See, e.g., *FDA Alerts Pet Owners About Potential Pentobarbital Contamination in Canned Dog Food Manufactured by the J.M. Smucker Company, Including Certain Gravy Train, Kibbles ‘N Bits, Ol’ Roy, and Skippy Products*, U.S. FOOD & DRUG ADMIN. (Feb. 16, 2018), <https://perma.cc/K974-ZNF4> (accessed Oct. 10, 2021) (explaining several FDA reports of pentobarbital contamination in pet foods manufactured by different companies) (hereinafter *FDA Alerts Pet Owners*).

<sup>61</sup> See *Products*, BRAVO PACKING MEAT, <https://perma.cc/CHQ8-U44T> (accessed Oct. 10, 2021) (demonstrating that companies like Bravo Packing, Inc. sell products that are “99.9% Horse Meat with trace minerals”).

<sup>62</sup> See *What We Do at CFSAN*, U.S. FOOD & DRUG ADMIN. (updated Sept. 16, 2019), <https://perma.cc/CEC3-D9M7> (accessed Oct. 8, 2021); see also Domestic Interagency Agreements on Food, U.S. FOOD & DRUG ADMIN. (updated May 18, 2020), <https://perma.cc/FWA9-D9LW> (accessed Dec. 30, 2021).

<sup>63</sup> *Center for Veterinary Medicine*, U.S. FOOD & DRUG ADMIN. (updated Oct. 7, 2021), <https://perma.cc/SHY7-R945> (accessed Oct. 8, 2021).

tered for pet food due to the lack of animal welfare requirements under FDA regulations.

*i. The United States Department of Agriculture*

The USDA's mission is to "provide leadership on food, agriculture, natural resources, rural development, nutrition, and related issues."<sup>64</sup> The USDA's division of Animal and Plant Health Inspection Service (APHIS) and Food Safety and Inspection Service (FSIS) regulate, inspect, and license animal slaughterhouses on a massive scale.<sup>65</sup> Every state contains at least one licensed slaughter or rendering facility. However, there are several licensing exemptions for "custom slaughterhouses"<sup>66</sup> and an unknown number of unlicensed and unregulated facilities slaughtering for nonhuman consumption.<sup>67</sup> Importantly, only USDA inspectors are authorized "to stop slaughter and close [a] plant immediately if they see evidence of inhumane treatment."<sup>68</sup> Likewise, only the USDA enforces the HMLSA policy that "the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods."<sup>69</sup>

*ii. The Food and Drug Administration*

The mission of the FDA is to "protec[t] the public health by assuring the safety, efficacy and security of human and veterinary drugs, biological products, medical devices, our nation's food supply, cosmet-

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<sup>64</sup> *About the U.S. Department of Agriculture*, U.S. DEP'T OF AGRIC., <https://perma.cc/TM73-TVGW> (accessed Oct. 10, 2021).

<sup>65</sup> Under 9 C.F.R. § 71.21, only slaughtering and rendering facilities that are listed with APHIS are permitted to accept animals. See APHIS, *Listed Slaughter and Rendering Establishments*, <https://perma.cc/57CA-5JYN> (accessed Oct. 10, 2021) (showing slaughtering and rendering establishments by state). FSIS, meanwhile, is charged with the inspection and examination of animals in slaughterhouses and rendering facilities required under 21 U.S.C.A. § 601(a).

<sup>66</sup> *FSIS Guideline for Determining Whether a Livestock Slaughter or Processing Firm is Exempt from the Inspection Requirements of the Federal Meat Inspection Act*, U.S. DEP'T OF AGRIC.: FOOD SAFETY AND INSPECTION SERV. (May 24, 2018), <https://www.fsis.usda.gov/wps/wcm/connect/16a88254-adc5-48fb-b24c-3ea0b133c939/Compliance-Guideline-Livestock-Exemptions.pdf?MOD=AJPERES> (accessed Oct. 14, 2021) (explaining exemptions that allow slaughtering businesses to operate without being subject to Federal inspection).

<sup>67</sup> See e.g., Karen Lo, *'Filthy' and Unlicensed Slaughterhouse Sold Illegal Meat to Seattle Restaurants*, *The Daily Meal*, (Apr. 19, 2016), <https://perma.cc/5249-324W> (accessed Jan. 17, 2022).

<sup>68</sup> Tim Opitz, *The Tragedy of the Horse, American Icon*, 7 J. OF FOOD L. & POL'Y 357, 371 (2011). Because the Humane Methods of Slaughter Act is enforced today by the USDA, only approved agency inspectors can examine or inspect animals and recommend suspension of slaughter under § 603(b). USDA, *Humane Methods of Slaughter Act*, NAT'L AGRIC. LIBR., <https://perma.cc/37ZS-CHHJ> (accessed Nov. 15, 2021).

<sup>69</sup> 7 U.S.C. § 1901.

ics, and products that emit radiation.”<sup>70</sup> Importantly, nowhere in the FDA’s broad mission statement is there a concern for nonhuman animals. Yet, as previously noted, the FDA remains the only federal agency tasked with the oversight of the pet food industry in the United States. Recall that the FDA regulates pet food under the Federal Food, Drug, and Cosmetic Act. Human food is regulated by the FDA’s Center for Food Safety and Applied Nutrition,<sup>71</sup> whereas animal feed and pet food are regulated by the Center for Veterinary Medicine (CVM).<sup>72</sup>

The CVM “monitors and establishes standards for animal feed contaminants”<sup>73</sup> and “[m]akes sure animal food—which includes animal feed, pet food, and pet treats—is safe, made under sanitary conditions, and properly labeled.”<sup>74</sup> ‘Safe’ conditions do not mean safe for the animals being slaughtered; the primary consideration of the FDA for pet food is the adulteration of products.<sup>75</sup> A product is adulterated “if it is, in whole or in part, the product of a diseased animal or of an animal which has died otherwise than by slaughter,” such as euthanized animals.<sup>76</sup> For example, in 2018 alone, the FDA recalled four types of pet food as “adulterated” due to the presence of pentobarbital.<sup>77</sup> Per the CVM, “pentobarbital is routinely used to euthanize animals” and seems to survive the rendering process converting animal tissue into food ingredients.<sup>78</sup> Pentobarbital can cause “drowsiness, dizziness, excitement, loss of balance, nausea, nystagmus (eyes moving back and forth in a jerky manner) and inability to stand” in animals, and “[c]onsuming high levels of pentobarbital can cause coma and death.”<sup>79</sup>

The FDA primarily regulates pet food through labeling and product testing.<sup>80</sup> Notably, the FDA delegated its creation of pet food quality standards to a non-governmental organization, the Association of American Feed Control Officials (AAFCO), which provides the nutri-

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<sup>70</sup> Science Looking Forward Subcommittee, *Mission Possible: How FDA Can Move at the Speed of Science*, FDA SCI. BOARD (Sept. 2015), <https://perma.cc/S4DF-7CK7> (accessed Nov. 3, 2021).

<sup>71</sup> *What We Do at CFSAN*, U.S. FOOD & DRUG ADMIN. (updated Sept. 16, 2019), <https://perma.cc/RKG6-VJSF> (accessed Oct. 8, 2021).

<sup>72</sup> *Center for Veterinary Medicine*, *supra* note 63.

<sup>73</sup> *Animal Food & Feeds*, U.S. FOOD & DRUG ADMIN. (Mar. 17, 2021), <https://perma.cc/6D3N-A9WJ> (accessed Oct. 8, 2021).

<sup>74</sup> *Center for Veterinary Medicine*, *supra* note 63.

<sup>75</sup> See 21 U.S.C. § 2102(b) (“[T]he Secretary shall establish an early warning and surveillance system to identify adulteration of the pet food supply and outbreaks of illness associated with pet food.”).

<sup>76</sup> 21 U.S.C. § 342(a)(5).

<sup>77</sup> *2018 Recalls, Market Withdrawals & Safety Alerts*, U.S. FOOD & DRUG ADMIN. (updated Sept. 26, 2019), <https://perma.cc/397H-2TSS> (accessed Oct. 9, 2021).

<sup>78</sup> *Food and Drug Administration / Center for Veterinary Medicine Report on the Risk from Pentobarbital in Dog Food*, U.S. FOOD & DRUG ADMIN. (updated Nov. 21, 2017), <https://perma.cc/RWR7-N5E5> (accessed Oct. 9, 2021).

<sup>79</sup> *FDA Alerts Pet Owners*, *supra* note 60.

<sup>80</sup> See 21 C.F.R. § 507.1(c) (“Animal food covered by specific current good manufacturing practice regulations also is subject to the requirements of those regulations.”).

tional standards and labeling requirements adopted and enforced by the FDA.<sup>81</sup> Ingredients must be listed on products according to AAFCO's "common or usual" names, such as "poultry meal," "meat meal," and "animal by-product meal," rather than poultry guts, cow intestines, or horse organs.<sup>82</sup> Consumers must therefore "recognize that the FDA has made a choice: to focus its attention on human foods, and leave the pet foods to someone else."<sup>83</sup> "Someone else" is a non-governmental organization that has no enforcement powers and whose primary goal is, of course, protecting consumers. In fact, AAFCO advisors often come from major feed manufacturers or trade groups that use the AAFCO standards to promote their products, such as the Pet Food Institute, Darling Ingredients, and the National Renderers Association.<sup>84</sup>

The FDA also uses Current Good Manufacturing Requirements (CGMP) to help identify adulterated animal food.<sup>85</sup> The CGMP "generally address matters including appropriate personal hygienic practices, design and construction of a food plant and maintenance of plant grounds, plant equipment, sanitary operations, facility sanitation, and production and process controls during the production of food."<sup>86</sup> CGMP violations usually relate to equipment concerns and general sanitation processes meant to ensure "food is suitable for human consumption."<sup>87</sup>

Finally, the FDA monitors violations of the FFDCA, whether for adulteration or misbranding, through consumer complaints.<sup>88</sup> There is

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<sup>81</sup> See *Regulatory*, ASS'N OF AM. FEED CONTROL OFF. (Dec. 2019), <https://perma.cc/J5FD-TYN4> (accessed Oct. 9, 2021) ("In the US, feed regulations are enforced by state and federal regulatory officials who provide subject matter expertise in animal science, animal nutrition, feed label compliance, field operations for inspection staff and program administration. AAFCO provides a forum for these regulatory officials to come together and create model guidance to ensure that the regulation of animal feeds is as uniform as possible from state to state.").

<sup>82</sup> Patrick, *supra* note 21, at 29.

<sup>83</sup> *Id.* at 15.

<sup>84</sup> See *Committee Report/Minutes: 2020 AAFCO Midyear Meeting*, ASS'N OF AM. FEED CONTROL OFF. (Feb. 12, 2020), <https://perma.cc/J5FD-TYN4> (accessed Nov. 3, 2021) (listing the following advisors: Angelle Thompson, *Thompson Pet Tech*; Bill Bookout, *National Animal Supplement Counsel*; David Meeker, *National Renderers Association*; James Emerson, *Darling Ingredients*; Dave Dzanis, *American Pet Products Association*; Louise Calderwood, *American Feed Industry Association*; and Pat Tovey, *Pet Food Institute*).

<sup>85</sup> *Current Good Manufacturing Practice (CGMP) Regulations*, U.S. FOOD & DRUG ADMIN. (updated Sept. 21, 2020), <https://www.fda.gov/drugs/pharmaceutical-quality-resources/current-good-manufacturing-practice-cgmp-regulations> (accessed Oct. 9, 2021).

<sup>86</sup> *Current Good Manufacturing Practices (CGMPs) for Food and Dietary Supplements*, U.S. FOOD & DRUG ADMIN. (updated Jan. 31, 2020), <https://perma.cc/UTV4-7XY4> (accessed Oct. 9, 2021).

<sup>87</sup> 21 C.F.R. § 110.80.

<sup>88</sup> See *FDA 101: How to Use the Consumer Complaint System and MedWatch*, U.S. FOOD & DRUG ADMIN. (updated Nov. 19, 2020), <https://perma.cc/GD2B-BPR5> (accessed Nov. 5, 2021) (explaining the process of submitting a consumer complaint for problems relating to pet food and treats to the FDA).

no complaint database or annual report from the FDA regarding consumer complaints. Despite this fact, in 2007 the FDA Commissioner stated that the agency received more than 12,000 complaints about the recalled pet food in only 4 months, compared to 5,000 complaints a year for other regulated products.<sup>89</sup> An American Bar Association (ABA) newsletter from the same year reported that “[t]housands of pet owners told the U.S. Food and Drug Administration they believed their dogs and cats were killed earlier this year by contaminated pet food.”<sup>90</sup> Notably, the language in the FFDCRA requires the FDA to allow producers time to issue voluntary recalls for products before mandating action in response to a valid complaint.<sup>91</sup> Thus, rather than proactively inspecting all facilities or testing all products, the FDA typically waits to issue recalls or send warning letters to facilities until multiple documented violations have occurred.<sup>92</sup> Since “there is no requirement that pet food products have pre-market approval by the FDA,”<sup>93</sup> companion animals often fall sick before a problem with adulterated food ever receives attention. This creates a vicious cycle of animal welfare issues at every stage of the pet food production process: sick animals are slaughtered without regard for their treatment or health before being unwittingly fed to companion animals, who suffer in turn.

*iii. State Regulations and Administrative Agencies: Department of Health or Department of Agriculture?*

Each state has the power to enact its own regulation for pet food manufacturing that applies to all foods sold or manufactured within

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<sup>89</sup> Andrew C. von Eschenbach, *State of the FDA*, 62 FOOD & DRUG L. J. 421, Vol. 2 (2007).

<sup>90</sup> Terry Carter, *High-profile cases are putting plenty of bite into the lively field of animal law*, ABA J. (Nov. 2007) <https://perma.cc/V6D4-4DJ7> (accessed Dec. 15, 2021).

<sup>91</sup> See 21 U.S.C. § 350 (“Voluntary Procedures . . . the Secretary shall provide the responsible party (as defined in section 350f of this title) with an opportunity to cease distribution and recall such article.”).

<sup>92</sup> The FDA will typically send “Warning Letters” to producers of adulterated food products, but they are not mandated to issue anything to consumers. See FDA, *About Warning and Close-Out Letters*, <https://perma.cc/68VW-JW5F> (accessed Dec. 15, 2021). See also, e.g., Center for Veterinary Medicine, *Warning Letter: Midwestern Pet Food* (Aug. 9, 2021) <https://perma.cc/68VW-JW5F> (accessed Dec. 15, 2021). (“During the inspections at your facilities, FDA investigators found evidence of significant violations of the Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Food for Animals regulation, Title 21, Code of Federal Regulations, Part 507 (21 CFR Part 507). Failure of the owner, operator, or agent in charge of a covered facility to comply with the preventive controls provisions of 21 CFR Part 507 (located in subparts A, C, D, E, and F of Part 507) is prohibited by section 301(uu) of the Federal Food Drug and Cosmetic Act (FD&C Act) [21 U.S.C. § 331(uu)]. The criteria and definitions in 21 CFR Part 507 apply in determining whether an animal food is adulterated within the meaning of section 402(a)(4) of the FD&C Act [21 U.S.C. § 342(a)(4)] in that it has been prepared, packed, or held under insanitary conditions whereby it may have been rendered injurious to health. (See 21 CFR 507.1(a)(1)(ii)).

<sup>93</sup> *Pet Food*, U.S. FOOD & DRUG ADMIN. (updated Feb. 19, 2021), <https://perma.cc/932J-XA56> (accessed Oct. 21, 2021) (emphasis added).

the state.<sup>94</sup> Many states simply adopt the AAFCO regulations in their entirety,<sup>95</sup> while other states adopt parts of the AAFCO regulations and enact their own pet food regulations for labeling and ingredients.<sup>96</sup> For example, Massachusetts adopted the AAFCO ingredient definitions, but adopted separate provisions governing registration, labeling, and ingredients.<sup>97</sup>

State agencies that oversee pet food production facilities vary widely in terms of both their regulations and enforcement mechanisms. Some states, like Florida, Alaska, and Nevada, create no additional distinctions for pet food regulation.<sup>98</sup> For purposes of this Article, a comparison of regulations in North Carolina, California, and New Jersey illustrate the lack of consistency.

California contains some of the most specific statutes regulating pet food production within the state, and both the State Department of Health Services and Department of Food and Agriculture retain regulatory oversight.<sup>99</sup> Yet, the only significant requirement imposed on pet food slaughtering facilities is to be licensed with the state.<sup>100</sup> California statutes explicitly state that “animal or poultry ingredients condemned for human food but passed for animal food in an establishment inspected by the United States Department of Agriculture or the Department of Food and Agriculture of this state may be used for pet food,” thus endorsing the use of 4D animals in pet food products.<sup>101</sup> In addition, a statute specifically permits horse slaughter at pet food facilities.<sup>102</sup>

In New Jersey, responsibility for pet food regulation transferred back and forth between the New Jersey Department of Agriculture and the New Jersey Public Health and Food Protection Program, which only purports to “protect[] the public by providing inspection services.”<sup>103</sup> New Jersey’s statutory definition of food and standard for

<sup>94</sup> Patrick, *supra* note 21, at 23.

<sup>95</sup> *About AAFCO*, PET FOOD INST., <https://perma.cc/8DFK-SNTQ> (accessed Oct. 13, 2021) (stating that the AAFCO “develops model pet food regulations for states to adopt as part of their oversight of pet food”).

<sup>96</sup> *See, e.g.*, 330 MASS. CODE REGS. § 13.00 (providing an example of regulations that adopt parts of the AAFCO regulations and enact their own pet food regulations for labeling and ingredients).

<sup>97</sup> *See infra* Appendix A.

<sup>98</sup> Patrick, *supra* note 21, at 24.

<sup>99</sup> CAL. FOOD & AGRIC. CODE § 401 (West 2021).

<sup>100</sup> *Id.* § 19240.

<sup>101</sup> CAL. HEALTH & SAFETY CODE § 113035 (West 2021).

<sup>102</sup> CAL. FOOD & AGRIC. CODE § 19353 (West 2021).

<sup>103</sup> *See* N.J. STAT. ANN. § 24:16B-4 (2020) (“Transfer of authority from Department of Health to Department of Agriculture; General power of Department of Agriculture; The jurisdiction and authority to provide for the proper inspections of animals to be slaughtered and the carcasses, parts thereof, meat and meat food products, animal food product or by-product of animals; packaging and labeling of animal carcasses, parts thereof, meat and meat food products, *animal food products or by-products of animals*, is hereby transferred from the Department of Health to the Department of Agriculture.”) (empha-

adulteration are the same as articulated in the FDCA.<sup>104</sup> Moreover, as with federal statutes, the New Jersey statutes do not require inspection of meat products intended for nonhuman animals as long as they are “denatured or otherwise identified to deter their use for human food.”<sup>105</sup>

In contrast, North Carolina regulates pet food within the purview of the North Carolina Department of Agriculture (NCDOA).<sup>106</sup> As with New Jersey, North Carolina’s statutory definition of food is identical to that contained in the FDCA.<sup>107</sup> Unlike either the federal statute or New Jersey statute, however, North Carolina’s statutes require inspection of animals “in which slaughtering and preparation of meat and meat food products of such animals are conducted for intrastate commerce.”<sup>108</sup>

Moreover, since the regulation of pet food is overseen by the NCDOA, rather than a department focused on health or food safety alone, North Carolina specifically states that inspections are to occur “[f]or the purpose of preventing the inhumane slaughtering of livestock.”<sup>109</sup> Since North Carolina is one of the few states that does not list an exception for animals slaughtered for animal rather than human consumption, pet food rendering facilities are technically subject to the state’s humane slaughter requirements. While this would seem to set a higher standard for pet food slaughter in North Carolina compared to other states, there is also language that suggests sick or injured animals unfit for human consumption may still be used in food products for nonhuman animals “in accordance with such regulations as the [NCDOA] Board may prescribe.”<sup>110</sup>

In sum, the USDA and the FDA oversee animals slaughtered for human consumption—the USDA under the FMIA and HMLSA, and

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sis added); see also *Public Health and Food Protection Program*, N.J. DEP’T HEALTH <https://perma.cc/PP88-7EAM> (accessed Oct. 19, 2021).

<sup>104</sup> N.J. STAT. ANN. §§ 24:1-1(d), 5-8 (“‘Food’ means (1) articles used for food or drink for man or other animals. . .”); 21 U.S.C. § 342(a)(1).

<sup>105</sup> *Id.* § 24:16B-42(D) (“The slaughter of animals or the preparation of any carcasses or parts or products of such animals, which are not intended for use as human food, but such articles shall, prior to their offer for sale or shipment, unless naturally inedible by humans, be denatured or otherwise identified to deter their use for human food as prescribed by regulations of the board.”).

<sup>106</sup> N.C. GEN. STAT. § 106-549.17(a) (2020).

<sup>107</sup> *Id.* § 106-121(8)(a).

<sup>108</sup> *Id.* § 106-549.17(a).

<sup>109</sup> *Id.* § 106-549.17(b).

<sup>110</sup> See *id.* § 106-549.58(d) (“No person engaged in the business of buying, selling, or transporting in intrastate commerce, dead, dying, disabled, or diseased poultry, or any parts of the carcasses of any poultry that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation in intrastate commerce, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, unless such transaction or transportation is made in accordance with such regulations as the Board may prescribe to assure that such poultry, or the unwholesome parts or products thereof, will be prevented from being used for human food.”).

the FDA under the FDDCA.<sup>111</sup> Animals slaughtered for nonhuman consumption, meanwhile, only receive federal regulation from the FDA under the FFDCFA.<sup>112</sup> At the state level, some states provide no regulatory oversight specific to pet food production, while other states mandate oversight by the state department of agriculture or state department of health.<sup>113</sup> Despite the diversity of regulation across the fifty states, no state regulatory or legislative scheme protects the welfare of the animals slaughtered for nonhuman consumption at even the most basic level.<sup>114</sup>

### III. AN INDUSTRY BARELY CONCERNED WITH FOOD SAFETY AND NO CONCERN FOR ANIMALS

Inadequacy plagues the current legislation and regulatory scheme for animal welfare in the food industry writ large. Animal welfare in the pet food industry is virtually nonexistent because of “for human consumption” qualifiers and retroactive enforcement mechanisms. This lack of protection paves the way for severe cruelty at pet food slaughterhouses and rendering facilities and paints a picture of a pet food industry barely capable of addressing food safety without concern for animal welfare.

#### A. *For Human Consumption Exceptions*

Including a qualifier “for human consumption” within the language of a statute is a primary means of distinguishing between regulations intended to cover animals for human versus nonhuman consumption.<sup>115</sup> The initial purpose behind this qualifier remains unclear, but, the persistence of this distinction creates opportunities for confusion and fosters further neglect of animals in the food system.

The federal Safeguard American Exports (SAFE) Act remains a prime example of the confusion generated by using clarifiers like “for human consumption,” seeking to ban the slaughter or export of live horses for human consumption in the United States.<sup>116</sup> The Senate used an appropriations bill in response to the failed passage of the SAFE Act to eliminate funding for USDA inspections of horses for slaughter.<sup>117</sup> This appropriations bill, in turn, supposedly meant that horses could no longer be slaughtered in the United States, and, in-

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<sup>111</sup> 7 U.S.C. §§ 1901–1907; 21 U.S.C. § 601–695; 21 U.S.C. §§ 301–399.

<sup>112</sup> 21 U.S.C. § 301–391.

<sup>113</sup> See *infra* Appendix A.

<sup>114</sup> See *infra* Appendix A.

<sup>115</sup> See, e.g., ARIZ. REV. STAT. § 12–681(2) (2021) (“‘Food product’ means any product that is grown, prepared, provided, served or sold and that is primarily intended for human consumption and nourishment.”) (emphasis added); MINN. STAT. § 31.51 (2021) (“‘Slaughter house’ means an establishment in which animals other than poultry are slaughtered, eviscerated, or dressed for human food.”) (emphasis added).

<sup>116</sup> H.R. 961, 116th Cong. (2019).

<sup>117</sup> Kitty Block & Sara Amundson, *Update: Trump Signs Omnibus Funding Package with Wins for Horses and Burros, Companion Animals, Animals in Research and More,*

deed, this became the popular interpretation of the outcome.<sup>118</sup> However, pet food facilities remain unregulated by the USDA. An appropriations bill eliminating funding for USDA inspections ultimately has no bearing on whether horses can be slaughtered in an industry that does not require the inspections in the first place.

Additionally, several states passed statutory exceptions for animal welfare protections and horse slaughter in pet food facilities.<sup>119</sup> Notably, California and Georgia both mandate that horses can be slaughtered for nonhuman consumption within their state if certain conditions are met.<sup>120</sup> There is no indication the SAFE Act would do anything to restrict or invalidate these state statutes if it were to pass. Effectively, not only can horses be legally slaughtered in the United States, but they can be legally slaughtered without humane protections.

This piecemeal assortment of statutes not only lends itself to confusion, but, more importantly, leaves millions of farmed animals without any legal protections. For example, the HMLSA declaration of policy states “use of humane methods in the slaughter of livestock prevents needless suffering.”<sup>121</sup> There is no “for human consumption” clarification within the text of this statute, and the plain language seems to suggest that all livestock should be subject to humane methods of slaughter. Only by looking at an entirely different statute defining the oversight of the USDA does it become clear that there is an exception for the needless suffering of animals slaughtered for nonhuman consumption.<sup>122</sup>

### B. *Retroactive Enforcement*

There are many food safety concerns when it comes to the pet food industry, not the least of which is the method by which the FDA investigates recalls, as evidenced by the structure of the state level and FDA oversight laid out in Part II.<sup>123</sup> Waiting for a pet to get sick before investigating whether a product is adulterated puts unnecessary risk on consumers and their pets, and there are few legal remedies for consumers who are concerned about the risks posed to their companion animals.

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THE HUMANE SOC'Y OF THE U.S.: A HUMANE WORLD (Dec. 19, 2019), <https://perma.cc/BY8E-J9Z8> (accessed Oct. 17, 2021).

<sup>118</sup> See *USA: It's Time to Ban Horse Slaughter Once and for All*, ASPCA, <https://perma.cc/WP2D-MC4K> (accessed Oct. 17, 2021) (stating that the SAFE Act is “federal legislation that would prevent the horse slaughter industry from reestablishing operations in the U.S. and prohibit the export of American horses for slaughter”).

<sup>119</sup> See *infra* Appendix A.

<sup>120</sup> CAL. FOOD & AGRIC. CODE § 19353 (West 2021); see also GA. CODE ANN. § 26-2-156 (West 2021) (listing exceptions to prohibition on horse slaughter within the state).

<sup>121</sup> 7 U.S.C. § 1901.

<sup>122</sup> 21 U.S.C. § 641.

<sup>123</sup> See *supra* Part II.B.ii.

For example, not only do you typically need an animal to fall ill before an FDA recall is issued, but it is a virtual necessity that a pet become sick from contaminated food in order to have standing in a court of law. In *Weaver v. Champion Petfoods*, a dog owner attempted to argue that the risk of pentobarbital contamination based on documented contamination in shipments of the product made claims about the product being “biologically appropriate” very misleading.<sup>124</sup> The court held, however, that the plaintiff “lack[ed] standing to sue for a risk of harm he never experienced” and that the risk of pentobarbital contamination entered the realm of “mere speculation.”<sup>125</sup> Overall, even if a product is at risk of contamination, there is little recourse unless an animal actually falls sick; the focus is on food safety, not animal welfare. This is even more evident by the industry’s failure to even consider the welfare of the animals being slaughtered to produce often-dangerous pet food products.

### C. Cruelty at Slaughterhouses and Rendering Facilities

One need only look at the cruelty that occurs at facilities where animals are slaughtered for human consumption, and thus protected by the HMLSA and inspected by the USDA, to get a sense of the conditions at pet food rendering facilities. Of course, these conditions are not reported by the industry, so consumers must instead rely on undercover investigations to see a “disturbing, close-up view of the suffering endured by pigs [and other animals] as they are pushed, prodded and dragged to their death.”<sup>126</sup>

For example, as previously noted, North Carolina law does seem to offer humane protections for animals slaughtered for nonhuman consumption.<sup>127</sup> Yet, an undercover investigation from early 2014 at a Pilgrim’s Pride facility in North Carolina—the second largest chicken producer for human consumption in the world—showed chickens being buried alive in buckets with decaying corpses of other birds.<sup>128</sup> Another investigation between June of 2017 and February 2018 at Smithfield facilities in North Carolina revealed pigs crammed into gestational crates, unable to turn around, while giving birth to piglets through slats in the floor.<sup>129</sup> If these USDA protected facilities produc-

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<sup>124</sup> *Weaver v. Champion Petfoods USA Inc.*, 471 F. Supp. 3d 876, 879, 881, 883, 884 (E.D. Wis. 2020).

<sup>125</sup> *Id.* at 883.

<sup>126</sup> *Hormel: USDA-Approved High Speed Slaughter Hell*, ANIMAL OUTLOOK, <https://perma.cc/4GDT-NKPK> (accessed Oct. 17, 2021).

<sup>127</sup> See *supra* Part II.B.iii.

<sup>128</sup> Animal Outlook, *Pilgrim’s Shame: Chickens Buried Alive*, YOUTUBE (June 25, 2014), <https://perma.cc/X489-T6QU> (accessed Oct. 17, 2021). See also *Mountaire Facility Animal Abuse Investigation*, ANIMAL OUTLOOK (May 4, 2015), <https://perma.cc/298A-PUWB> (accessed Oct. 17, 2021) (showing workers throwing birds and bird feathers at other employees).

<sup>129</sup> Dylan Matthews, *America’s Largest Pork Producer Pledged to Make Its Meat More Humane. An Investigation Says It Didn’t.*, VOX (May 8, 2018, 12:30 PM), <https://perma.cc/T4LZ-W5CR> (accessed Oct. 17, 2021).

ing food for human consumption are barely meeting minimum animal welfare guidelines, then facilities regulated only by the FDA are unlikely to be treating the already sick and injured animals at those facilities any more humanely.

Overall, the current legislative and regulatory scheme on both the state and federal level, while overflowing with acronyms, fails to provide adequate protections for animals slaughtered in the pet food industry. Fortunately, there are ways to reduce the unnecessary suffering of animals in the pet food industry that do not require new agencies nor legislation and involve low transaction costs.

#### IV. NOT FOR HUMAN CONSUMPTION

This Article proposes addressing the lack of animal welfare protection in the pet food industry by (1) getting rid of USDA exemptions and requiring all facilities dealing with live animals to adhere to the HMLSA, Animal Welfare Act (AWA), and FMIA, (2) removing the qualifier “for human consumption” from legislation dealing with animal welfare, and (3) educating consumers about the pet food industry and exposing them to cruelty-free alternatives to traditional pet food products.

##### A. *Eliminate the Federal Exemptions*

First, the exception in the Federal Meat Inspection Act that allows facilities producing food unintended for human consumption to avoid USDA inspections<sup>130</sup> should be eliminated. Allowing the USDA to enforce the Humane Methods of Livestock Slaughter Act would be consistent with the Congressional policy findings and declaration that all livestock deserve to be free from unnecessary suffering.<sup>131</sup> Humane legislation is not concerned with the ultimate destination of the animal carcass—rather, the focus is on ensuring that the animals, while alive, are not subjected to extreme suffering. There is no logical reason why animals slaughtered for nonhuman consumption should be exempt from this protection. Carving out an exception for animals that are already sick or injured at pet food facilities only compounds animal suffering, in direct contrast to the very purpose of legislation like the HMLSA.

Additionally, there is no threat of overlapping agency responsibility by eliminating this exemption, nor would there be any need to create a new agency or regulatory scheme. The FDA currently regulates the pet food industry only for consumer and food safety by identifying misbranded and adulterated products. Meanwhile, the USDA’s responsibility would focus on the welfare and treatment of animals destined for and during slaughter in the exact same way they already focus on animals slaughtered for human consumption.

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<sup>130</sup> 21 U.S.C. § 641.

<sup>131</sup> 7 U.S.C. § 1901.

### B. Eliminate Qualifying Statements

Second, future legislation, particularly the SAFE Act, should eliminate qualifying language such as “for human consumption.” Efforts to ban horse slaughter in the United States should aim at creating the reality that many consumers already believe exist,<sup>132</sup> one with horse slaughter banned in all its forms. Not only would this aid in resolving some of the confusion surrounding the status of practices like horse slaughter in the United States, but it would also ensure that animal welfare legislation actually benefits all the animals in the food industry. Eliminating just three words from legislation like the SAFE Act, would spare millions of animals unnecessary suffering.

Moreover, a consistent elimination of the qualifier “for human consumption” means that legislation and regulations that currently do not apply to animals slaughtered for pet food would now likely be applicable. The HMLSA,<sup>133</sup> the FMIA,<sup>134</sup> CGMP sanitation practices,<sup>135</sup> and USDA inspections<sup>136</sup> all fall into this category. The infrastructure for monitoring and enforcement is already in place, and no new agencies or legislation would need to be created to enhance the animal welfare protections in the pet food industry.

From a state perspective, almost all states distinguish between animals intended for human consumption or “human use” in their slaughter and inspection regulations.<sup>137</sup> Similar to the federal level, removing this qualifier would simply bring animals slaughtered at pet food facilities within the scope of existing regulatory protections from the respective state agencies.

### C. Educate Consumers and Encourage Transparency

The pet food industry often operates as a “mystery hidden behind deceptive marketing ploys and strategies.”<sup>138</sup> The absence of transparent information in the pet food industry forces pet owners to rely on federal or state regulation of pet foods.<sup>139</sup> Yet, under the FDA’s relatively scant requirements, it appears pet food production receives less regulation, not more. Eliminating animal welfare exemptions for pet food manufacturers would certainly be a step in the right direction. Even still, neither the FDA or USDA’s mission statements mention animal welfare.<sup>140</sup> While specific legislative acts enforced by the

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<sup>132</sup> See *USA: It’s Time to Ban Horse Slaughter Once and for All*, *supra* note 118.

<sup>133</sup> 7 U.S.C. § 1901.

<sup>134</sup> 21 U.S.C. § 641.

<sup>135</sup> See *supra* notes 85–87.

<sup>136</sup> 21 U.S.C. § 641.

<sup>137</sup> See *infra* Appendix A.

<sup>138</sup> Abra Slivinski, *Fetchin’ the Truth about Dog Food Regulations*, 29 LOY. CONSUMER L. REV. 199, 223 (2016).

<sup>139</sup> Patrick, *supra* note 21, at 14.

<sup>140</sup> *About the U.S. Department of Agriculture*, *supra* note 64 (“We have a vision to provide economic opportunity through innovation, helping rural America to thrive; to

USDA, like the HMLSA, may express concern for the ‘humane’ treatment of nonhuman animals, the reality is that no federal or state regulatory agencies act in the best interest of the animals being slaughtered.<sup>141</sup> The USDA may be better than the FDA for regulatory purposes, but it is far from the best option. The good news is that advocates and consumers who do not wish to feed their beloved companion animals at the expense of horrible cruelty can avoid such products altogether.

For example, all dogs can thrive on a plant-based diet.<sup>142</sup> Just like humans,<sup>143</sup> companion animals do not need meat, they need nutrients.<sup>144</sup> All ten essential amino acids for dogs are available from animal-free sources of protein,<sup>145</sup> and plant-based pet food products are readily available on sites like Amazon.<sup>146</sup> A companion’s best diet depends on the individual animal; nonetheless, pet food contaminated with pentobarbital or created from the body parts of sick and injured animals is never the best answer.

Thus, by including pet slaughter facilities within the scope of existing federal welfare protections, eliminating “for human consumption” qualifiers on a state and federal level, and educating consumers on alternatives to underregulated pet food products, millions of animals can be spared unnecessary suffering.

## V. CONCLUSION

From the dead, dying, diseased, and disabled animals slaughtered to the pets who unknowingly ingest toxins like pentobarbital, the pet food industry in the United States causes unnecessary animal suffer-

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promote agriculture production that better nourishes Americans while also helping feed others throughout the world; and to preserve our Nation’s natural resources through conservation, restored forests, improved watersheds, and healthy private working lands.”).

<sup>141</sup> The best interest of an animal that does not want to die is simply not to die—humanely or otherwise. In this way, the USDA and FDA cannot truly be acting in the best interest of animals.

<sup>142</sup> The science is less clear for cats, although there are many vegan cats (including this author’s cat) that thrive on fully plant-based diets developed in consultation with a veterinarian. See generally Jed Gillen, *Obligate Carnivore: Cats, Dogs, and What It Really Means to Be Vegan*, (July 15, 2003); Jennifer Coates, *Yes, You Can Feed Your Dog a Meat-Free Diet*, WILD EARTH, <https://perma.cc/6X9S-7X8Y> (accessed Oct. 10, 2021); see also, Stephen Dowling, *Can You Feed Cats and Dogs a Vegan Diet?*, BBC (Mar. 4, 2020), <https://perma.cc/8VWJ-UC6W> (accessed Oct. 10, 2021) (explaining that dogs “may have adapted to a diet with less meat” and can be moved to a meat-free diet).

<sup>143</sup> Haley W. Parker & Maya K. Vadiveloo, *Diet Quality of Vegetarian Diets Compared with Nonvegetarian Diets: A Systematic Review*, 77 *NUTRITION REV.* 144, 145 (2019).

<sup>144</sup> Cara L. Cargo-Froom et al., *Apparent and True Digestibility of Minerals in Animal and Vegetable Ingredient Based Adult Maintenance Dog Food*, 97 *J. ANIMAL SCI.* 1010, 1010 (2019), <https://perma.cc/UG8N-WF5F> (accessed Oct. 10, 2021).

<sup>145</sup> Coates, *supra* note 142.

<sup>146</sup> See generally *Vegan Dog Food*, AMAZON, <https://perma.cc/4UKU-YZDA> (accessed Oct. 11, 2021).

ing beginning to end. By including pet food facilities within the scope of USDA regulations, millions of animals could benefit from legislation like the Humane Methods of Livestock Slaughter Act. Moreover, animal protections could apply to millions more animals every single year by ceasing to use qualifiers like “for human consumption” when designing animal welfare legislation.

In the end, this Article proposes a minimum standard for the pet food industry; allowing USDA oversight or erasing distinctions between animals slaughtered for human versus nonhuman consumption will not address the underlying cruelty inherent in an industrialized system of agriculture. Plant-based pet food products and lab-grown meat options offer a different means of avoiding the cruelty inherent in the pet food industry. Those who love their companion animals should not be forced to feed them at the expense of unnecessary animal suffering. Nevertheless, eliminating unnecessary cruelty for thousands, if not millions, of animals every single year for the relatively low cost of three words—*for human consumption*— is a reasonable price, and one that animal advocates and general consumers alike should be willing to pay.

Appendix A  
State Survey of Animal Slaughter and Pet Food Regulations

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
Alabama	ALA. CODE § 2-17-13 (illegal to “(1) Slaughter any such animals or birds or prepare any such articles <b>which are capable of being used as human food</b> at any establishment preparing such articles solely for intrastate commerce, except in compliance with the requirements of this chapter”).	ALA. CODE § 2-17-1(8) (“MEAT FOOD PRODUCT. Any product capable of use as human food.”); <i>see also</i> ALA. CODE § 2-17-4.	ALA. CODE § 2-1-1 (“The Commission of <b>Agriculture and Industries</b> ”).	ALA. CODE § 2-21-17 (19) (“PET FOOD. Any commercial feed prepared and distributed for consumption by pets.”); <i>see also</i> ALA. CODE § 2-21-25.
Alaska	ALASKA STAT. § 03.05.040 (“(a) To carry out the requirements of this chapter, on any business day during the usual hours of business, or at any time if the commissioner determines that there is an immediate threat to the health or safety of an animal or the general public, the commissioner or an individual designated by the commissioner as an inspector may, . . . enter a storehouse, warehouse, cold storage plant, packing house, <b>slaughterhouse</b> , retail store, or other building or place where animals, animal products, or agricultural products are or have been raised, housed, kept, stored, processed, or sold.”); <i>see also</i> ALASKA STAT. § 03.45.010.	None listed.	ALASKA STAT. § 03.05.040(b) (“‘commissioner’ means commissioner of natural resources”).	None listed.

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
Arizona	ARIZ. REV. STAT. § 3-2001(j)(25) (“Slaughter’ means to kill cattle, sheep, swine, goats, horses, mules or other equines and to prepare the carcasses or parts of carcasses <b>for human consumption.</b> ”).	ARIZ. REV. STAT. § 12-681 (“Food product’ means any product that is grown, prepared, provided, served or sold and that is primarily intended for human consumption and nourishment.”).		None listed.
Arkansas	ARK. CODE ANN. § 20-60-207 (“No establishment in this state shall slaughter any livestock or process any livestock carcasses, or parts thereof, or meat food products <b>for human consumption</b> except in compliance with the requirements of this subchapter.”).	ARK. CODE ANN. § 20-60-202(a) (“Meat and meat food products are an important source of the supply of human food in this state, and legislation to assure that the food supplies are wholesome, unadulterated, and otherwise <b>fit for human consumption</b> and properly labeled is in the public interest.”); <i>see also</i> ARK. CODE ANN. § 2-32-201.	ARK. CODE ANN. § 20-57-102(c) (“ <b>The State Board of Health</b> is empowered to promulgate and enforce reasonable rules in order to assure that salvaged foods are safe for human or animal consumption, as the case may be.”).	ARK. CODE ANN. § 2-37-103 (“The board by rule may exempt from this definition, or from certain provisions of this chapter <b>certain pet food</b> or specialty pet food.”).
California	Pet food specific. CAL. FOOD & AGRIC. CODE § 19240 (“Every person engaged in the business of slaughtering animals for pet food or horses for human food purposes shall first obtain a license pursuant to this chapter.”).	Separate slaughter and inspections statutes for pet food.	CAL. FOOD & AGRIC. CODE § 401 ( <b>Department of Food and Agriculture</b> ); CAL. FOOD & AGRIC. CODE § 22 ( <b>State Department of Health Services</b> ).	CAL. FOOD & AGRIC. CODE § 113035 (“Pet food ingredients” means each of the constituent materials making up a processed pet food.”); <i>see also</i> CAL. HEALTH & SAFETY CODE § 113105 (pet food); CAL. HEALTH & SAFETY CODE § 113075; CAL. HEALTH & SAFETY CODE § 113090.

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
Colorado	COL. REV. STAT. § 35-33-203 (“(1) A processor shall not shackle, hoist, or otherwise bring animals into position for slaughter, or slaughter or bleed animals, except by humane methods.”); <i>see also</i> COL. REV. STAT. § 35-43-203.	COL. REV. STAT. § 35-33-103 (“(6) ‘Food’ means all articles used for food, drink, confectionery, or condiment <b>by humans</b> , whether simple, mixed, or compound, and any substance used as a constituent in the manufacture thereof . . . (14) ‘Slaughter’ means any process, or the use of any process, including without limitation the process of bleeding, that causes the death of any animal intended <b>for food</b> .”).	COL. REV. STAT. § 35-33-104 ( <b>Commissioner of Agriculture</b> ).	None listed.
Connecticut	CONN. GEN. STAT. § 22-272a(a) (“No person engaged in business as a slaughterer, packer or stockyard operator shall cause or permit any cattle, calves, sheep, swine, horses, mules, goats or other animals to be slaughtered or put into position for slaughter unless such animals are rendered insensible to pain or are restrained by an approved method. For the purpose of this section, a person shall be deemed to be engaged in business who slaughters any such animal for sale or trade.”).	CONN. GEN. STAT. § 21a-151(2) (“‘Food manufacturing establishment’ means a building or part of a building where food is prepared for sale to other establishments for human consumption. For purposes of this subdivision, ‘prepared’ means a process of canning, cooking, freezing, dehydrating, milling, repacking or cutting. Premises that are used solely for the retail sale or storage of prepackaged food, and facilities, as described in sections 21a-24a and 22-6r and chapters 417,1 419a,2 422,3 423,4 430,5 4316 and 491,7 shall not be considered food manufacturing establishments.”).	CONN. GEN. STAT. § 22-118q (“The <b>Commissioner of Agriculture</b> shall adopt, in accordance with the provisions of chapter 54,1 such regulations for commercial feeds and pet foods as are specifically authorized in sections 22-118k to 22-118t, inclusive, and such other reasonable regulations as may be necessary for the efficient enforcement of sections 22-118k to 22-118t, inclusive.”).	CONN. GEN. STAT. § 22-118k (“(18) ‘Pet food’ means any commercial feed prepared and distributed for consumption by pets).

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
Delaware	<p>DEL. CODE ANN. tit. 3, § 8706 (“It is the objective of this chapter to provide for meat, poultry, and egg products inspection programs and for the humane slaughter of livestock that will impose and enforce requirements with respect to intrastate operations and commerce that are at least equal to those imposed and enforced under the federal Meat Inspection Act (21 U.S.C. § 601 et seq.), the federal Poultry Products Inspection Act (21 U.S.C. § 451 et seq.), the federal Egg Products Inspection Act (21 U.S.C. § 1031 et seq.), and the federal Humane Methods of Slaughter Act (7 U.S.C. § 1901 et seq.) with respect to operations in interstate commerce. The Secretary is directed to administer this chapter so as to accomplish this purpose and is authorized to promulgate and adopt regulations to accomplish the purpose of this chapter. The Department is designated as the appropriate state agency to cooperate with the Secretary of Agriculture of the United States in administration of this chapter.”); see also DEL. CODE ANN. tit. 3, § 8707.</p>	<p>DEL. CODE ANN. tit. 3, § 8710(a) (“No person shall, with respect to any livestock or poultry or any livestock products or poultry products:</p> <p>(1) Slaughter any such animals or prepare any such articles which are capable of use as human food, at any establishment preparing such articles solely for intrastate commerce, except in compliance with the requirements of this chapter”).</p>	<p>DEL. CODE ANN. tit. 3, § 8706 (Secretary of Agriculture); DEL. CODE ANN. tit. 15, § 122 (Department of Health and Social Services).</p>	None listed.

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
Florida	FLA. STAT. § 828.22 (Humane Slaughter Act; humane slaughter and livestock euthanasia; requirements).	None. FLA. STAT. § 828.23 (“Slaughter’ means the act of killing one or more livestock animals <b>for any purpose.</b> ”).	FLA. STAT. § 828.23(1) (“Department’ means the Department of Agriculture and Consumer Services.”).	None listed.
Georgia	GA. CODE ANN. § 26-2-110.1 (“Humane methods of slaughtering and handling prescribed”); <i>see also</i> GA. CODE ANN. § 26-2-105; GA. CODE ANN. § 26-2-102; GA. CODE ANN. § 26-2-214.9.	GA. CODE ANN. § 26-2-150 (“The General Assembly declares that purchasers and consumers have a right to expect and demand honesty and fair practices in the sale of meat <b>for human consumption.</b> It is the purpose of this Code section and Code Sections 26-2-151 through 26-2-154 to ensure that honest, fair, and ethical practices are followed in the advertising and sale of meat <b>for human consumption</b> and to authorize the Commissioner of Agriculture to take all actions necessary to ensure that such practices are followed.”).	GA. CODE ANN. § 2-13-12 ( <b>Commissioner of Agriculture</b> ).	GA. CODE ANN. § 2-13-1(17) (“Pet food” means any commercial feed prepared and distributed for consumption by dogs or cats.”); <i>see also</i> GA. CODE ANN. § 2-13-6(d) (“No licensee shall distribute in this state a pet food or a specialty pet food in packages of ten pounds or less which has not been registered”); GA. CODE ANN. § 2-13-12(b) (“The Commissioner is authorized to promulgate such rules and regulations for commercial feeds and pet foods as are specifically authorized in this chapter and such other reasonable rules and regulations as may be necessary for the efficient enforcement of this chapter.”).

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
Hawaii	HAW. REV. STAT. § 159-46 ("All animals slaughtered by any slaughterhouse duly licensed under this part shall be inspected by an inspector duly authorized by the department, both before and after slaughtering, and no animal shall be slaughtered, or after slaughter be sold, transported, offered for sale or transportation, or received for transportation in commerce unless the slaughtering thereof or the use thereof in commerce, after slaughtering, is approved by an inspector."); see HAW. REV. STAT. § 159-29 (additional exemptions).	HAW. REV. STAT. § 159-25 ("No person shall, with respect to cattle, sheep, swine, goats, horses, mules, or other equines, or carcasses, parts of carcasses, meat or meat products of animals: (1) Slaughter any animal or prepare any meat or meat products <b>which are capable of use as human food</b> , at any establishment preparing such meat or meat products solely for intrastate commerce, except in compliance with the requirements of this chapter.").	HAW. REV. STAT. § 159-7 (Department of Agriculture).	None identified.

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
Idaho	No humane or additional slaughter provisions identified.	None identified.	IDAHO CODE § 25-201 (Director of the Department of Agriculture).	IDAHO CODE § 25-2703(22) (“The term “pet food” means any commercial feed prepared and distributed for consumption by dogs and cats.”); <i>see also</i> IDAHO CODE § 25-3201(1) (“The term ‘rendering establishment’ means a place of business that deals in rendering material of animal origin and processes it into finished products in such a way that risk, damage, or nuisance to animal or public health is avoided. (2) The term ‘rendering material’ means and includes any dead animal <b>not slaughtered as food for animals or man</b> , or if slaughtered for food, becomes unsuitable for such use, and includes all parts of dead animals and all inedible by-products of animals slaughtered or processed as food.”).

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
Illinois	225 ILL. COMP. STAT. 655/2 ('Animals' or 'livestock' means cattle, goats, sheep, swine, or any other animals of the bovine, caprine, ovine, or porcine species. 'Slaughter livestock buyer' means any person determined by the Department to be engaged in the business of purchasing livestock in this State for slaughter and such livestock is slaughtered in this or any other state for food and the marketing meat products therefrom."); <i>see also</i> 510 ILL. COMP. STAT. 75/3 ("No slaughterer or packer shall bleed or slaughter any livestock except by a humane method.").	None identified.	505 ILL. COMP. STAT. (Director of Agriculture).	505 ILL. COMP. STAT. 30/6(4) ("In the case of pet food and specialty pet food which are distributed in the State in packages of 10 pounds or less, an annual fee of \$90 shall be paid in lieu of an inspection fee. The inspection fee required by subsection (a) shall apply to pet food and specialty pet food distribution in packages exceeding 10 pounds. All fees collected pursuant to this Section shall be paid into the Feed Control Fund in the State Treasury."); <i>see also</i> 505 ILL. COMP. STAT. 30/3 (defining pet food).
Indiana	IND. CODE § 15-17-2-6 (defining approved slaughtering establishments [this does not expand the federal registration requirements]); <i>see also</i> IND. CODE § 15-17-5-4 ("Duties of board or state veterinarian in providing humane slaughter").	IND. CODE § 15-17-5-13 ("Inspection may not be provided under this chapter at an establishment for the slaughter of livestock or poultry or the preparation of livestock products or poultry products that <b>are not intended for use as human food.</b> "); <i>see also</i> IND. CODE § 35-31.5-2-137.	IND. CODE 15-19-6-2 ("Indiana state board of animal health").	None identified.

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
<b>Iowa</b>	IOWA CODE § 189A.18 (“Every establishment subject to the provisions of this chapter engaged in the slaughter of bovine, porcine, caprine, or ovine animals or farm deer shall slaughter all such animals in an approved humane slaughtering method.”). This also permits an additional method of disposing of dead animal bodies for pet and dog food manufacturers under proper regulations.	IOWA CODE § 172D.1(9) (“‘Live-stock’ means cattle, sheep, swine, ostriches, rheas, emus, poultry, and other animals or fowl, which are being produced primarily for use as food or food products for human consumption.”).	IOWA CODE § 189.1- (“Department of agriculture and land stewardship”).	IOWA CODE § 198.10(1) (“The secretary may adopt rules for commercial feeds and pet foods as specifically authorized in this chapter and other reasonable rules necessary in order to carry out the purpose and intent of this chapter or to secure the efficient enforcement of this chapter.”); <i>see also</i> IOWA CODE § 198.9.
<b>Kansas</b>	KAN. STAT. ANN. § 47-1401 (“It is declared to be the policy of this state to require that the slaughter of all livestock and the handling of livestock, in connection with slaughter, shall be carried out only by humane methods.”; <i>see also</i> KAN. STAT. ANN. § 65-6a20 (“Inspection requirements”).	None identified. Definition for livestock does not include “for human consumption” exception. <i>See</i> KAN. STAT. ANN. § 47-1402.	KAN. STAT. ANN. § 47-1709 (“Department of agriculture”).	None identified.
<b>Kentucky</b>	None identified.	None identified.	N/A.	Ky. Rev. Stat. Ann. § 250.511 (“Registration of commercial feed manufacturing facilities”).

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
Louisiana	LA. STAT. ANN. § 3:4203 (“Ante-mortem inspection and humane methods of slaughter A. For the purpose of preventing the use in intrastate commerce, as hereinafter provided, of meat and meat food products which are adulterated, the commissioner shall cause to be made, by inspectors appointed for that purpose, an ante-mortem inspection of all cattle, sheep, poultry, swine, goats, horses, mules and other equines before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering or similar establishment, in this state in which slaughtering and preparation of meat and meat food products of such animals are conducted solely for intrastate commerce.”).	LA. STAT. ANN. § 3:4221 (sale of 4D animals only prohibited “from being used for human purposes”); <i>see also</i> LA. STAT. ANN. § 3:4218 (“Inspection not provided for slaughtering not intended for human consumption.”).	LA. STAT. ANN. § 3:4201 (“Louisiana Department of Agriculture”).	None identified.
Maine	ME. REV. STAT. ANN. tit. 22, § 2521 (“Humane methods of slaughter”); <i>see also</i> ME. REV. STAT. ANN. tit. 22, § 2521-B (“For the purpose of preventing the inhumane slaughtering of livestock, the commissioner shall appoint inspectors to examine and inspect the method by which livestock are slaughtered and handled in connection with slaughter in the licensed or official slaughtering establishments inspected under this chapter.”).	Chapter 562-a. Preparation of Livestock and Poultry Products for <b>Human Consumption</b> .	ME. REV. STAT. ANN. tit. 22, § 2511 (“Commissioner of Agriculture, Conservation and Forestry”).	ME. REV. STAT. ANN. tit. 7, § 719 (“The commissioner is authorized to promulgate, in a manner consistent with the Maine Administrative Procedure Act, such rules and regulations for commercial feeds and <b>pet foods</b> as are specifically authorized in this subchapter and such other reasonable rules and regulations as may be necessary for the efficient enforcement of this subchapter[.]”).

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
Maryland	MD. CODE ANN., AGRIC. § 4-123.1(b) (“It is the policy of the State to prevent inhumane methods of livestock slaughter at an official establishment.”).	MD. CODE ANN., AGRIC. § 4-109(a) (“The provisions of this subtitle requiring inspection of the slaughter of livestock and the preparation of the carcass, part of it, meat, or meat food product at any establishment conducting these operations do not apply to the following: . . . (5) Slaughter by any person of livestock or preparation of any livestock carcass, part of it, meat, or meat food product that is <b>not intended for use as human food.</b> ”).	MD. CODE ANN., AGRIC. § 1-101 (“Secretary of Agriculture”).	None identified.
Massachusetts	MASS. GEN. LAWS ch. 94, § 139D (“No slaughterer, packer or stockyard operator shall shackle, hoist, or otherwise bring livestock into position for slaughter by any method which shall cause injury or pain, nor bleed or slaughter any livestock except by a humane method.”); <i>see also</i> MASS. GEN. LAWS ch. 94, § 119.	None identified.	MASS. GEN. LAWS ch. 94, § 1 (“Commission of Food and Agriculture”).	MASS. GEN. LAWS ch. 128, § 63 (“The commissioner may prescribe and enforce such rules and regulations relative to the sale of commercial feed as he deems necessary[.]”); <i>see also</i> MASS. GEN. LAWS ch. 128, § 60; MASS. GEN. LAWS ch. 128, § 58.

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
Michigan	MICH. COMP. LAWS § 287.553 (“No slaughterer, packer or stockyard operator shall bleed or slaughter any livestock except by a humane method.”); <i>see also</i> MICH. COMP. LAWS § 287.551(c) (“Slaughterer’ means any person regularly engaged in the commercial slaughtering of livestock. (d) ‘Livestock’ means cattle, calves, sheep, swine, horses, mules, goats and any other animal which can or may be used in and for the preparation of meat or meat products.”).	None identified.	MICH. COMP. LAWS § 287.551 (“Director of Agriculture”).	MICH. COMP. LAWS § 287.673 (“(2) A license holder shall take all reasonable precautions to prevent the dead animals from being diverted for use as human food.”).

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
Minnesota	<p>MINN. STAT. § 31.59 (“Slaughterer” means any person, partnership, corporation, or association regularly engaged in the commercial slaughtering of livestock.”); <i>see also</i> MINN. STAT. § 31A.03 (“To prevent the use in intrastate commerce of adulterated meat, meat food products, poultry, and poultry food products, the commissioner shall appoint inspectors and have them examine and inspect all animals before the animals enter a slaughtering, packing, meat canning, rendering, or similar establishment in this state in which slaughtering of animals and preparation of meat, meat food products, poultry, and poultry food products are conducted solely for intrastate commerce[.]”).</p>	<p>MINN. STAT. § 31.51 (“‘Slaughter house’ means an establishment in which animals other than poultry are slaughtered, eviscerated, or dressed <b>for human food.</b>”).</p>	<p>MINN. STAT. § 31.01 (“Department of Agriculture”).</p>	<p>MINN. STAT. § 35.82 (“Permit required. No person may engage in the business of rendering all or parts of animals, poultry, or fish, including scraps and grease, without first obtaining a permit from the board in accordance with the rules adopted by the board relative to transportation, rendering, and other provisions the board considers necessary to prevent the spread of disease.”).</p>

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
Mississippi	MISS. CODE ANN. § 75-35-8 (“Humane slaughter”); <i>see also</i> MISS. CODE ANN. § 75-35-7(a) (“For the purpose of preventing the use in intrastate commerce, as hereinafter provided, of meat and meat food products which are adulterated, the commissioner shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, goats, horses, mules, and other equine before they shall be allowed to enter into any slaughtering, packing, meat canning, rendering, or similar establishment in this state in which slaughtering and preparation of meat and meat food products of such animals are conducted[.]”).	MISS. CODE ANN. § 75-35-101 (“Inspection shall not be provided under Article 1 of this chapter at any establishment for the slaughter of cattle, sheep, swine, goats, horses, mules, or other equines, or the preparation of any carcasses or parts or products of such animals, which are <b>not intended for use as human food</b> [.]”).	MISS. CODE ANN. § 75-35-3 (“Commissioner of Agriculture and Commerce”).	MISS. CODE ANN. § 75-45-157(1) (“The commissioner and State Chemist may promulgate such rules and regulations for commercial feeds and pet foods as are specifically authorized in this article and such other reasonable rules and regulations as may be necessary for the efficient enforcement of this article[.]”).

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
Missouri	MO. REV. STAT. § 265.350 (“The inspectors shall inspect: (1) All livestock and poultry slaughtered for human consumption; (2) All meat and meat products processed for human consumption; (3) The sanitary conditions at all commercial plants in this state which slaughter, store, or process livestock, poultry, meat or meat products for human consumption.”).	MO. REV. STAT. § 265.310 (“All commercial plants at which livestock or poultry are slaughtered, or at which meat or meat products are processed <b>for human consumption</b> , shall be operated in accordance with such sanitary practices as are provided by sections 265.300 to 265.470 and by the rules and regulations prescribed by the director.”); <i>see also</i> MO. REV. STAT. § 196.505 (“Any food not intended for human consumption, . . . shall bear a label or tag showing plainly and conspicuously in letters not less than three-eighths of an inch in height the words: ‘NOT FOR HUMAN CONSUMPTION.’”).	MO. REV. STAT. § 261.010 (“Department of Agriculture”).	MO. REV. STAT. § 266.195 (“The director is authorized to promulgate such rules for commercial feeds, <b>pet foods</b> and specialty pet foods as are specifically authorized in sections 266.152 to 266.220 and such other reasonable rules as may be necessary for the efficient enforcement of sections 266.152 to 266.220. In the interest of uniformity the director shall by rule adopt, unless the director determines that they are inconsistent with the provisions of sections 266.152 to 266.220 or are not appropriate to conditions which exist in this state, the following[.]”).
Montana	MONT. CODE ANN. § 81-9-201(1) (“It is unlawful for a person, firm, or corporation to engage in the business of slaughtering livestock or poultry, including the operation of a mobile slaughter facility as defined in 81-9-217, or processing, storing, or wholesaling livestock or poultry products without having a license issued by the department[.]”); <i>see also</i> MONT. CODE ANN. § 81-9-230(1) (“Official establishments must have an ante-mortem inspection.”).	None identified.	MONT. CODE ANN. § 81-1-101 (“Department of Livestock”).	MONT. CODE ANN. § 80-9-103(1) (“The department may adopt rules for commercial feeds and pet foods that are specifically authorized in this chapter and other reasonable rules necessary for the efficient enforcement of this chapter[.]”); <i>see also</i> MONT. CODE ANN. § 81-9-302; MONT. CODE ANN. § 80-9-206(1) (“An inspection fee must be paid on all commercial feeds, including customer formula feeds, except pet foods, specialty pet foods, and pet treats, distributed in this state as follows[.]”).

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
Nebraska	No humane slaughter act. See NEB. REV. STAT. § 54-1907.	NEB. REV. STAT. § 54-1907(1) ("Any persons who engage in or for intrastate commerce in the business of slaughtering any livestock or poultry, or preparing, freezing, packaging or labeling, buying or selling, transporting, or storing any livestock products or poultry products for human food or animal feed[.]").	NEB. REV. STAT. § 54-1902 ("Department of Agriculture").	NEB. REV. STAT. § 54-858(1) ("The director shall adopt and promulgate such rules and regulations for commercial feed and pet food as are specifically authorized in the Commercial Feed Act and such other reasonable rules and regulations as may be necessary for the efficient enforcement of the act.").
Nevada	No humane slaughter act. See NEV. REV. STAT. § 583.485.	NEV. REV. STAT. § 583.435 ("Therefore, it is hereby declared to be the policy of this State to provide for the inspection of slaughtered livestock, poultry and other animals, and the carcasses and parts thereof which are used for human food, at certain establishments to prevent the distribution in intrastate commerce, for human consumption, of animal carcasses and parts thereof which are adulterated or otherwise unfit for human food.").	NEV. REV. STAT. § 583.005 ("Department of Agriculture").	None identified.
New Hampshire	N.H. REV. STAT. § 427:34 ("On and after June 30, 1960, no slaughterer may slaughter livestock except by a humane method[.]"); see also N.H. REV. STAT. § 427:3(a) ("Procedures used in ante mortem and post-mortem inspections, quarantine, segregation, and reinspections with respect to the slaughter of livestock and the preparation of meat food products at all establishments in this state, including procedures for obtaining access to establishments under RSA 427:6.").	N.H. REV. STAT. § 427:2 ("Slaughter" means the act of killing livestock for human consumption.").	Commissioner of Agriculture, Markets, and Food	N.H. REV. STAT. § 435:25 ("The commissioner may adopt such rules for commercial feeds and pet foods as are specifically authorized in this subdivision and such other reasonable rules as may be necessary for the efficient enforcement of this subdivision.").

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
<b>New Jersey</b>	N.J. STAT. ANN. § 2:8-1.1(a) (“These rules establish minimum humane standards for the raising, keeping, care, treatment, marketing, and sale of domestic livestock and procedures for the enforcement of those standards, pursuant to the direction of N.J.S.A. 4:22-16.1. For purposes of these rules, an animal’s status or well-being shall be determined based on a holistic evaluation of the animal.”).	N.J. STAT. ANN. § 24:16B-2 (“Therefore, it is hereby declared to be the policy of the State of New Jersey to provide for the inspection of animals to be slaughtered, and the carcasses, parts thereof, meat and meat food products processed therefrom, capable of use as human food, at certain establishments in order to prevent the distribution, for human consumption, of animals, meat and meat food products, which are unwholesome, adulterated, misbranded, improperly labeled or otherwise unfit for use as human food.”).	N.J. STAT. ANN. § 4:1-1 (“Department of Agriculture”).	N.J. STAT. ANN. § 4:4-20.10a. (“The State board is authorized to promulgate such rules and regulations for commercial feeds and pet foods as are specifically authorized in this act and such other reasonable rules and regulations as it may deem necessary and proper for the efficient administration of this act[.]”).
<b>New Mexico</b>	None identified.	None identified.	N/A.	None identified.
<b>New York</b>	No humane slaughter act. See N.Y. AGRIC. & MKTS. LAW § 96-b(1) (“No person, firm, partnership or corporation not granted inspection pursuant to the federal meat inspection act, the federal poultry products inspection act, article five-B or article five-D of this chapter shall operate any place or establishment where animals or fowls are slaughtered or butchered for food unless such person, firm, partnership or corporation be licensed by the commissioner.”).	None identified. In fact, “food” and food “products,” shall include all articles of food, drink, confectionery or condiment, whether simple, mixed or compound, used or intended for use by man <i>or animals</i> . N.Y. AGRIC. & MKTS. LAW § 2.	N.Y. AGRIC. & MKTS. LAW § 2 (“Department of Agriculture and Markets”).	None identified.

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
North Carolina	N.C. GEN. STAT. § 106-549.17(a) (requiring inspection for all facilities slaughtering animals for intrastate commerce).	None identified.	N.C. GEN. STAT. § 106-549.17(a) ("Department of Agriculture").	N.C. GEN. STAT. § 106-549.58 (d) ("No person engaged in the business of buying, selling, or transporting in intrastate commerce, dead, dying, disabled, or diseased poultry, or any parts of the carcasses of any poultry that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation in intrastate commerce, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, unless such transaction or transportation is made in accordance with such regulations as the Board may prescribe to assure that such poultry, or the unwholesome parts or products thereof, will be prevented from being used for human food.").
North Dakota	No Humane Slaughter Act. See N.D. CENT. CODE § 19-02.1-21 ("Inspections of slaughterhouses, meatpacking, and meat processing plants[.]").	N.D. CENT. CODE § 4.1-31-01(8) ("Meat" means the edible flesh of an animal born and harvested for the purpose of <b>human consumption</b> .").	N.D. CENT. CODE § 4.1-41-01 ("Agriculture Commissioner").	N.D. CENT. CODE § 4.1-41-05(1) ("Before being distributed in this state, each pet food product and each specialty pet food product must be registered with the commissioner. This requirement does not apply to a distributor, provided the pet food or specialty pet food is registered by another person.").

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
Ohio	OHIO REV. CODE ANN. § 945.01 (“After July 1, 1967, no method of slaughtering livestock or handling in connection with the commercial slaughtering of livestock shall be utilized unless it is humane.”); <i>see also</i> OHIO REV. CODE ANN. § 945.03 (“All establishments engaged in the operation of commercial slaughtering of livestock as set forth in section 945.01 of the Revised Code shall be open to inspection, as to compliance with sections 945.01 and 945.02 of the Revised Code, at all reasonable times by any duly authorized officer.”).	<i>See e.g.</i> , OHIO REV. CODE ANN. § 3715.22 (“No dealer, slaughterer, or processor of meat or meat products for human consumption shall kill or have in his possession for the purpose of killing, a calf less than four weeks old or have in his possession the carcass of a calf not sufficiently mature to be fit for human consumption[.]”); OHIO REV. CODE ANN. § 919.11 (“No person shall mix horse meat with the parts of any other animal, sell, offer, or expose for sale any such mixture for <b>human consumption</b> within this state.”).	OHIO REV. CODE ANN. tit. IX, ch. 901 (“Department of Agriculture”).	OHIO REV. CODE ANN. § 915.19 (“Foods not intended for human consumption shall bear a label or tag bearing plainly and conspicuously in letters not less than three-eighths of an inch in height the words ‘not for human consumption.’”).
Oklahoma	OKLA. STAT. tit. 2, § 6-183 (“Inspection of animals to be slaughtered—Setting apart of suspect animals—Methods of slaughter—Examination and inspection of method of slaughter.”).	<i>See e.g.</i> , OKLA. STAT. tit. 1.2, § 18-32 (“‘Beef’ and ‘beef products’ mean the meat <b>intended for human consumption</b> from any cattle, including, but not limited to, veal[.]”).	OKLA. STAT. tit. 2, § 1-3 (“Oklahoma Department of Agriculture, Food, and Forestry”).	None identified.
Oregon	OR. REV. STAT. § 603.065 (“Methods of slaughter ‘(1) Cattle, equines, sheep or swine shall be slaughtered by a licensee and handled in connection with slaughter’”).	OR. REV. STAT. § 596.615 (“As used in ORS 596.615 to 596.681, ‘livestock’ means animals raised for the production of <b>food for human consumption</b> and those animals carrying diseases that threaten animals raised for the production of food for human consumption.”).	OR. REV. STAT. § 603.010 (“Department of Agriculture”).	None identified.

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
<b>Pennsylvania</b>	3 PA. CONS. STAT. § 2361 (“The department shall have authority to regulate the destruction, slaughter or processing of domestic animals in order to assure the proper treatment of domestic animals and the safety and quality of food of domestic animal origin [...] (3) Establish minimum standards regarding the health and quality of domestic animals permitted to be processed for human consumption or animal feed.”).	An Act providing for the inspection of livestock and poultry slaughtered and the carcasses and parts thereof, meat food products and poultry products processed therefrom, <b>for human consumption</b> , at certain establishments, requiring licenses, making certain acts illegal, providing penalties and making an appropriation. 1968 Pa. Laws. 304, No. 151.	3 PA. CONS. STAT. (“Department of Agriculture”).	None identified.
<b>Rhode Island</b>	R.I. GEN. LAWS § 4-17-2 (“Slaughterer” means any person who regularly engages in the commercial slaughtering of livestock. . . . (3) ‘Livestock’ means cattle, cows, sheep, swine, horses, mules, goats and any other animal which can or may be used in and for the preparation of meat or meat products.”).	None identified. The Humane Slaughter Act in Rhode Island states “[i]t is declared to be the policy of the state to require that the slaughter of all livestock and the handling of livestock, in connection with slaughter, be carried out only by humane methods and to provide that methods of slaughter conform generally to those employed in other states where humane slaughter is required by law and to those authorized by the Federal Humane Slaughter Act of 1958, 7 U.S.C. § 1901 et seq., and regulations under that act.”	R.I. GEN. LAWS § 21-13-4 (“Department of Health”); R.I. GEN. LAWS § 4-7-6 (“Director of Environmental Management”).	R.I. GEN. LAWS § 4-2-9(b) (“The director is authorized to promulgate any rules and regulations for commercial feeds and pet foods that are specifically authorized in this chapter and any other reasonable rules and regulations necessary for the efficient enforcement of this chapter[.]”).

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
South Carolina	No Humane Slaughter Act. <i>See</i> S.C. CODE ANN. § 47-17-70 (“no establishment in this State shall slaughter any livestock or process any livestock carcasses, or parts thereof, meat food products or meat by-products, for human consumption, except in compliance with the requirements of this article”).	S.C. CODE ANN. § 47-17-30(a) (“For the purpose of preventing the entry into or movement in intrastate commerce of any livestock carcass, part thereof, meat food product or meat by-product which is unwholesome or adulterated <b>and is intended for or capable of use as human food</b> , the Director shall, where and to the extent considered by him necessary, cause to be made by inspectors ante-mortem inspection of livestock in any official establishment where livestock is slaughtered.”).	S.C. CODE ANN. § 47-22-20 (“Livestock-Poultry Health Commission and Department of Agriculture”).	None identified.
South Dakota	S.D. CODIFIED LAWS § 39-5-23.2 (“Humane methods of slaughtering”).	S.D. CODIFIED LAWS § 39-5-32 (“Inspection shall not be provided under this chapter at any establishment for the slaughter of livestock, or the preparation of any carcasses or parts or products of livestock, <b>which are not intended for use as human food</b> [.]”).	S.D. CODIFIED LAWS § 39-1-1 (“Department of Agriculture”).	S.D. CODIFIED LAWS § 40-17-2 (“Any person who operates a rendering or pet food processing plant within the State of South Dakota shall file with the Animal Industry Board an application for a license to operate subject to the provisions of this chapter and the rules of the Animal Industry Board.”); <i>see also</i> S.D. CODIFIED LAWS § 40-17-5.
Tennessee	No Humane Slaughter Act	TENN. CODE ANN. § 53-7-209 (“Livestock producers acting in compliance with exemptions established in the federal Meat Inspection Act. The department of agriculture shall maintain on its website information for livestock producers concerning the federal exemptions for livestock slaughter and processing to provide guidance as to the requirements for each federal exemption and its limitations.”).	TENN. CODE ANN. § 53-7-202 (“Commissioner of Agriculture”).	TENN. CODE ANN. § 44-6-110 (“The commissioner is authorized to promulgate such rules and regulations for commercial feeds and pet foods as are specifically authorized in this chapter, and such other reasonable rules and regulations as may be necessary for the efficient enforcement of this chapter.”).

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
Texas	No Humane Slaughter Act. <i>See</i> TEX. HEALTH & SAFETY CODE ANN. § 433.021.	TEX. HEALTH & SAFETY CODE ANN. § 433.029(a) (“Under this subchapter, the department may not inspect an establishment for the slaughter of livestock or the preparation of carcasses, parts of carcasses, or products of livestock if the articles are <b>not intended for use as human food</b> [.]”).	TEX. HEALTH & SAFETY CODE ANN. § 430.001 (“Department of State Health Services”).	None identified.
Utah	Adopted the Humane Slaughter Act under Utah Code Ann. § 4-32-103. <i>see</i> UTAH CODE ANN. § 4-32-113(1) (“An animal or meat or poultry product that may be used for human consumption shall not be: (a) slaughtered or prepared unless it is done in compliance with this chapter’s requirements[.]”); <i>see also</i> UTAH CODE ANN. § 4-32-106.	UTAH CODE ANN. § 4-32-113(1) (“An animal or meat or poultry product that may be <b>used for human consumption</b> shall not be.”).	UTAH CODE ANN. tit. 4 (“Department of Agriculture”).	None identified.
Vermont	Vt. STAT. ANN. tit. 6, § 3133 (“The Secretary shall administer this chapter, and shall adopt and from time to time revise rules and regulations to affect its purpose. The rules and regulations shall conform substantially with those promulgated by the Secretary of Agriculture of the United States under the Federal Humane Slaughter Act of 1958.”); <i>see also</i> VT. STAT. ANN. tit. 6, § 3131 (“Slaughterer’ means any person regularly engaged in the commercial slaughtering of livestock.”).	None identified.	Vt. Stat. Ann. tit. 6, § 1 (“Department of Agriculture”).	Vt. Stat. Ann. tit. 6, § 329 (“[N]otwithstanding any rule adopted under subsection (b) of this section to the contrary of the provisions of this subsection, the manufacture and distribution of raw animal feed or pet food products shall comply with the requirements of this chapter.”).

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
Virginia	VA. CODE ANN. § 3.2-5411 (“Inspection shall not be provided under this chapter at any establishment for the slaughter of livestock or poultry or the preparation of any livestock products or poultry products <b>that are not intended for use as human food.</b> ”).	VA. CODE ANN. § 3.2-5145.1 (“Food’ means any article that is <b>intended for human consumption</b> and introduction into commerce, whether the article is simple, mixed, or compound, and all substances or ingredients used in the preparation thereof. ‘Food’ does not mean drug as defined in § 54.1-3401.”).	VA. CODE ANN. § 3.2-100 (“Department’ means the Department of Agriculture and Consumer Services).	<i>See generally</i> , VA. CODE ANN. § 3.2-4804.
Washington	WASH. REV. CODE § 16.50.100 (“It is therefore declared to be the policy of the state of Washington to require that the slaughter of all livestock, and the handling of livestock in connection with slaughter, shall be carried out only by humane methods and to provide that methods of slaughter shall conform generally to those authorized by the Federal Humane Slaughter Act of 1958, and regulations thereunder.”).	None identified.	WASH. REV. CODE § 15.04.010 (“Department of Agriculture”).	WASH. REV. CODE § 15.53.9014(1) (“A person may not distribute in this state a pet food or specialty pet food that has not been registered by the department.”).
West Virginia	W. VA. CODE § 19-2E-1 (“This article shall be known by the short title of “The Humane Slaughter Act of 1982.”); <i>see also</i> W. VA. CODE § 19-2E-5.	W. VA. CODE § 19-2B-10(c) (“To sell or offer for sale through a commercial outlet or distributor any carcass, meat product or poultry product for <b>human consumption which is adulterated</b> [.]”).	W. VA. CODE § 19-2E-3 (“Commissioner of Agriculture”).	W. VA. CODE § 19-14-5(d) (“Each person first distributing commercial feed into West Virginia trade channels must obtain a Commercial Feed Distributor Permit, except: (1) Persons distributing pet food exclusively[.]”).

State	Animal Slaughter Provisions (as of Dec. 2020)	Exceptions?	Supervision?	Pet Food Specific Provisions
<b>Wisconsin</b>	WIS. STAT. § 95.80 (“Humane slaughtering. No slaughterer may slaughter livestock except by a humane method.”).	WIS. STAT. § 97.43(1) (“No meat from any diseased animal, or any dead animal as defined under s. 95.72(1)(c), may be sold or used <b>for human consumption</b> , or dismembered or stored at premises where other food is sold or prepared for sale[.]”); <i>see also</i> WIS. STAT. § 97.42(b) (“Capable of use as human food’ applies to any meat or poultry product unless it is denatured, identified as unfit for human consumption as required by department rules, or is naturally inedible by humans.”).	Department of Agriculture	None identified.
<b>Wyoming</b>	None identified.	None identified.	N/A.	None identified.