



## TALKING POINTS ON-FARM SLAUGHTER

January 2022

### About Us:

- Rural Vermont has been advocating successfully with legislative support for over a decade to improve the legal feasibility and grounded practicality of on-farm slaughter, an important institution in Vermont's meat processing sector.

### About the Current Context of Dispute:

- Rural Vermont has heard a significant number of complaints and concerns from the community of farmers, practitioners and consumers in response to the newest VAAFM restriction that **all owners must participate or at least be present during the act of slaughter** (*released via email to registered practitioners of on-farm slaughter on January 6, 2022*). This position is an extreme example of the ongoing dispute that Rural Vermont has had with the VAAFM for years about the lack of clear public guidance and support they have been willing to provide for what lawmakers have written into law and intended with the On-Farm Slaughter Law. In another example, legislators expressed support for Rural Vermont to use and further develop [fact sheets about the requirements for the practice](#). After Rural Vermont attempted to collaborate with VAAFM on written guidance in spring 2021, VAAFM organized the [virtual forum](#) that established the **new restriction that specified only owners - and not farmers - are allowed to hire itinerant slaughterers**.
- **These VAAFM actions and communications are contrary to Vermont law and -despite FSIS claims to the contrary - we believe in contradiction of federal law and precedent, as well.**

### Ask:

- We ask the Vermont Legislature to defend the intent behind this legislation, the legislation itself, and what has been a heritage practice covered by the federal law since 1906 - the institution of on-farm slaughter. We also urge our federal delegation in relation to FSIS to uphold the heritage practice of on-farm slaughter and the freedom of contract in realization of one's ownership of livestock for personal use. *We do not seek amendments to the law because we believe federal law also allows for VT's law to stand as it is written.* Furthermore, we are encouraged by the recent affirmation of Legislative Council that our interpretation, that CSA's with animal shares would be legal, is "reasonable".
- Countless farms, consumers, and communities, who depend upon this law and practice on-farm slaughter (see attached summary document), ask you to prevent substantial harm and to take immediate action!

## Background Information:

- On-Farm Slaughter keeps alive the dissemination of meat slaughter and processing skills and practices in our communities, supports the livelihoods of itinerant slaughterers, enables affordable and accessible community scale agriculture and economies, and provides resiliency and food security in the face of climate change and a fragile, consolidated, and concentrated food and meat processing system.
- Since the pandemic exacerbated the bottlenecks at the slaughterhouses, especially for managers of small ruminants, VT legislators **doubled the allowances** for animals that may be slaughtered on farms under the personal use exemption in [6 V.S.A. § 3311a. \(Section 1a, Act 47 2021\)](#) to 30 swine, 10 cattle, 80 sheep or goats or any combination of not more than 12,000 pounds of live weight.
- Legislators also **repealed the sunset provision** that was on the law with Act 47 in 2021 - **upon recommendation of VAAFM due to the continued importance of the practice**. The biennium has not even ended yet and FSIS has unleashed multiple punitive measures before we could even celebrate the success of this legislation.
- The federal personal use exemption allows owners of livestock to have that livestock slaughtered on the farm where it was raised, without VT or federal statute including an enabling provision to administer limitations of ownership and associated contracts. Consequently, owners are legally allowed to, have been for decades (if not centuries), and will continue to, hire farmers as agents to finish raising the animals, organize for their slaughter, as well as to transport the carcass to custom butcher shops so that cuts of meat can be delivered to their owners.

## Rural Vermont Legal Opinion:

The most recent swift policy shift of FSIS and subsequently VAAFM is in a legal sense “arbitrary,” for the following reasons:

- The new requirements for on-farm slaughter mark a policy shift, beyond an agency’s discretion, away from established precedent (what has been allowed) and general practice on farms;
- The **new requirement that all owners must participate in, or at least be present during the act of, slaughter** is not grounded in federal law which attaches the personal use privilege to legal **ownership** of the living animal (see *Legislative Council, Memo “Slaughter of Livestock under Animal Share Agreements”, December 1 2021, p. 2*)
- **Caution!** For VAAFM or FSIS to require that all owners must participate in, or at least be present during the act of, slaughter is from our perspective not grounded in law. It would also be diametrically opposed to the ambition to perform the slaughter in a sanitary way and the purpose of food safety. Requiring farmers to invite large groups of people to mandatorily witness, or even participate as laypersons in, the harvest of their animals if they want to have access to the meat of those animals is not only impractical for the farmer and owners, but also not necessarily safe. We must consider the basic biological contamination concerns of having visitors on farms at the time of slaughter (as well as the global pandemic and its pressures on meat processing supply chains). This requirement clearly goes well beyond the intent or a reasonable interpretation of the law, which itself does require sanitary conditions.

- Preventing farmers from organizing on-farm slaughter by **not allowing them to hire itinerant slaughterers** (see AAFM virtual forum, Q&A and online materials) is punitive and doesn't have any legal footing - 6 V.S.A. § 3311a only restricts farmers to **"assist in the act of slaughter"** or butchering of livestock.
- In stark contrast, **the policy circumvents the Vermont On-Farm Slaughter law:**
  - VAAFM themselves successfully advocated last session to repeal the sunset provision due to the **continued importance** the practice has in the State of Vermont
  - Legislators intend with Section 1 a & b of Act 47, 2021 **to support and improve the law**
  - It is unlawful to **render a law impractical** through policy - the new restrictions evidently create an organizing chaos (with data protection issues).
- Rural Vermont believes that the longer something is an allowed as a practice, the higher the limits of an agency's discretion must be on restricting that same practice **without an explicit enabling statute** that allows for such restrictions. Federal and State agencies are supposed to administer, not make the law. It is disheartening that our communities' successful grassroots advocacy to advance this issue in State law over the past decade is being infringed upon even though the legislation has always occurred in consultation and alignment with FSIS guidance over the years. We believe in **food sovereignty**<sup>1</sup>, here specifically, the right of Vermonters to democratically define their own agricultural and food systems. The Federal Meat Inspection Act of 1906 likely has privileged (land) owners to access the meat from livestock they own since its enactment - despite them not being involved with the immediate raising or slaughter of the animal. It appears inequitable that advocacy to have the same laws benefit small-scale farmers faces repercussions, while wealthy landowners never have.

### Summary:

- **What is permissible under the federal personal-use exemption?**
  - The federal personal use exemption allows the **owner** of livestock to slaughter the livestock without inspection. FSIS is NOT challenging the profession of itinerant slaughterers but is creating a new requirement restricting the contracts of ownership for on-farm slaughter to require, at least, presence during slaughter. Further, they are offering the new interpretation prohibiting owners from hiring farmers as agents in organizing the slaughter, which has no explicit legal basis but requires legal footing due to the contrary precedence of a decades - if not century - long practice.
- **What is permissible under the Vermont On-Farm Slaughter Law?**
  - Reading 6 V.S.A. § 3311a shows that there is no requirement for owners of livestock to be present during the on-farm slaughter of their animals. The statute also does not include any specifics about WHO has to hire itinerant slaughters, or say that it would be illegal for owners

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<sup>1</sup> Definition of Food Sovereignty: *"The right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems. It puts the aspirations and needs of those who produce, distribute and consume food at the heart of food systems and policies rather than demands of markets and corporations."* Declaration of Nyeleni, issued at the first global forum for food sovereignty, Mali 2007.

to have farmers act as their agent in the process of organizing the slaughter that occurs on their farm.

- **Does Vermont law conflict with the federal exemption?**
  - No, both ownership, and acting upon order of someone are old legal constructs and the legal principle “freedom of contract” says that any contract that is not explicitly forbidden by law is allowed. Thus, FSIS is lacking legal footing for the new restrictions for these types of contracts. The matter that food safety is a good reason to restrict practitioners - the reason does not even relieve a federal agency from the need to prove a specific and explicit provision of an enabling statute for these new restrictions.
  
- **We kindly want to request the committee to seek an in-depth legal analysis on the matter from your legislative council and, shall their findings further align with ours, to:**
  - **Support Rural Vermont in imposing political pressure on FSIS (and if needed VAAFM) together with our federal delegation to uphold what has been permissible under the federal use exemption for decades, as well as**
  - **Request FSIS to stop threatening our VAAFM to withhold any promotion of this important practice, and**
  - **Charge VAAFM to support farmers in establishing practical ways - without creating punitive bureaucracy - that align with the law.**

Respectfully,

Caroline Gordon, L.L.M.  
Legislative Director, Rural Vermont  
[caroline@ruralvermont.org](mailto:caroline@ruralvermont.org)  
802-356-9729