



United States Department of Agriculture

Food Safety and  
Inspection Service

February 29, 2024

Office of Field  
Operations  
Specific  
District Office

Electronically mailed on February 29, 2024

NotReal  
Federal Building  
555 No Street  
Room 555  
Nowhere, ST  
00000  
Voice  
555-555-5555

Not Named, Plant Manger  
UnReal Est, Est. M00000  
123 4 Street  
Nowhere, ST 55555  
[notarealemail@nomail.com](mailto:notarealemail@nomail.com)  
555-555-5555

## NOTICE OF SUSPENSION

Attention: Mr. Named

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our decision to withhold the federal marks of inspection and suspend the assignment of Inspection Program Personnel (IPP) for all slaughter operations at UnReal Establishment, Establishment M0000, located at 123 4 Street, Nowhere, ST, 00000. This letter follows notification via phone and email of the suspension action, provided by Dr. Awesome Vet, Frontline Supervisor, to Mr. Plant Person, Supervisor, at approximately 1545 hours on February 28, 2024. Mr. Person confirmed via phone that he received the notification with Dr. Super Vet, Supervisory Public Health Veterinarian, at 0813 hours on February 29, 2024.

This action is taken in accordance with the Rules of Practice regulation 9 Part Code of Federal Regulations (CFR) Part 500.3(b) due to an egregious inhumane handling incident that occurred at your establishment on February 28, 2024. The evidence demonstrates failure to comply with the Federal Meat Inspection Act (FMIA) (21 U.S.C. 603), the Humane Methods of Slaughter Act (HMSA) (7 U.S.C. 1901 *et seq.*), and the regulatory requirements (9 CFR Part 313).

### **Background**

The Federal Meat Inspection Act (FMIA) (Title 21 of the United States Code {21 U.S.C.} 603 *et seq.*) provides that for the purpose of preventing the inhumane slaughtering of livestock, the secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the methods by which amenable species cattle, sheep, swine, goats, horses, mules, or other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this Act. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughtering

establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with the Humane Methods of Slaughter Act (HMSA) (72 Statute, 862; Title 7 U.S.C. 1901 to 1906) until the establishment furnishes assurances satisfactory to the Secretary that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such methods.

The HMSA provides that Congress finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce. It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

Under the authority of the Acts, FSIS has prescribed rules and regulations required for establishments slaughtering and handling livestock, as required by 9 CFR Part 313. FSIS has also developed the Rules of Practice regarding administrative enforcement, 9 CFR Part 500. The Rules of Practice describe the types of enforcement actions that FSIS may take and include procedures for taking a withholding action and/or suspension, with or without prior notification, and for filing a complaint to withdraw a grant of inspection. Specifically, 9 CFR 500.3(b) states that FSIS may impose a suspension without providing prior notification due to handling or slaughtering of animals inhumanely.

### **Findings / Basis for Action**

On February 28, 2024, at approximately 1012 hours, while performing a Livestock Humane Handling task observing HATS Category VIII (Stunning Effectiveness), the following noncompliance was observed. The establishment employee stunned bovine #4 with a hand-held captive bolt device (HHCB) and the animal dropped, eyes rolled, and no blinking was observed. The animal was rolled from the restrainer to the slaughter floor and shackled. The animal was hoisted to be bled. When the animal was being stuck, IPP observed the animal blink multiple times and vocalize three times, with open mouth bellowing, as the carotid artery was being cut, which indicates that the animal had returned to a conscious state. Mr. Plant Person stated he saw the animal stiffen and attempt to right itself as he was sticking the animal.

There were no other attempts made to render the animal unconscious due to the backup HHCB device not being readily available. The animal bled out and became unconscious.

Mr. Plant Person, Supervisor, and Not Named, Plant Manager, were notified of the forthcoming noncompliance with 9 CFR 313.15(a)(1) and 313.15(a)(3), and that USDA IPP would be contacting the District Office for further guidance. FSIS IPP took regulatory control action, and the restrainer was tagged with U.S. Reject tag B-45412624.

The carcass head was examined, skinned, and the brain removed. The HHCB stun wound was between the eyes approximately mid-forehead. The research team that was present removed the skull cap to remove the brain. A member of the team stated that the stun did not fully penetrate the brain.

### **Conclusion**

Provisions of the FMIA outline FSIS' ability to refuse to render inspection and indefinitely withdraw inspection from an establishment, provided the establishment is afforded the right to an administrative hearing, when conditions exist where the slaughter and/or handling of livestock was not by a method in accordance with the Act(s). Evidence demonstrates your failure to meet regulatory requirements detailed in 9 CFR 313.15(a) constituting a violation of the humane slaughter requirements and supporting the conclusion that your handling of livestock violated the provisions of the FMIA and HMSA.

The establishment does have a humane handling program that meets the four criteria as described in the Federal Register Notice of September 9, 2004, but it not considered robust. Based on the above findings, the Specific District Office has made a decision to suspend the assignment of inspectors for your slaughter operations, as per the Rules of Practice regulation 9 CFR Part 500.3(b).

The suspension of the assignment of inspectors will remain in effect until such time as you provide to this office adequate written corrective actions and preventive measures to address the noncompliance detailed in this NOS, to assure that the handling and/or slaughter of animals will be done humanely and in accordance with the FMIA, HMSA, and the regulations promulgated therein.

You may provide this office written corrective actions and preventive measures concerning the NOS and we will determine further action, if any, based upon your response. If you choose to address this issue, your written response should include:

1. An initial assessment of the incident, including determination of the cause.
2. Immediate corrective actions taken.
3. Measures to prevent reoccurrence.
4. Any training of employees, materials used, and associated records.
5. Type of monitoring activity(s) to be conducted and associated monitoring records.

A determination of further administrative action will be made upon receipt and review of your submitted corrective actions and preventative measures. You are reminded that, as an operator of a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent the production of or adulterated products at your establishment. Please be advised that your failure to respond adequately to these issues may result in our initiating action to withdraw inspection from your establishment.

**Appeal and Hearing Rights**

You have the right to appeal this matter and can do so by contacting:

No Name, Executive Associate for Regulatory Operations Office  
of Field Operations  
Food Safety and Inspection Service  
United States Department of Agriculture  
1400 Independence Avenue, SW  
South Building, Room 00000  
Washington, DC 20250  
[notarealemail@usda.gov](mailto:notarealemail@usda.gov)  
Phone number: 555-555-5555

Pursuant to 9 CFR 500.5(d), you may also request a hearing regarding this determination. Should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing. If you wish to request a hearing regarding this determination, please contact:

No Person, Director  
Enforcement Operations Staff (EOS)  
Office of Investigation, Enforcement and Audit (OIEA)  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 0000, SB - Room 0000  
1400 Independence Avenue, SW  
Washington, DC 20250  
Telephone: 555-555-5555  
E-mail: [AEBCorrespondence@usda.gov](mailto:AEBCorrespondence@usda.gov)

If you have questions regarding this matter, please feel free to contact the Specific District Office at 555-555-5555 or District Veterinary Medical Officer Dr. Awesome DVMO 555-555-5555.

Sincerely,

*Great DM*

Mr. Great DM  
District Manager  
USDA FSIS OFO  
Specific District



United States Department of Agriculture

Food Safety and  
Inspection Service

March 7, 2024

Office of Field  
Operations  
Specific  
District Office

Electronically mailed on March 7, 2024

NotReal  
Federal Building  
555 No Street  
Room 555  
Nowhere, ST  
00000  
Voice  
555-555-5555

Not Named, Plant Manger  
UnReal Est, Est. M00000  
123 4 Street  
Nowhere, ST 55555  
notarealemail@nomail.com  
555-555-5555

**NOTICE OF SUSPENSION HELD IN ABEYANCE**

Attention: Mr. Named

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our decision to place the Notice of Suspension (NOS), initiated on February 28, 2024, at UnReal Establishment, Establishment M0000, located at 123 4 Street, Nowhere, ST, 00000, into abeyance (NOSA). This letter follows verbal notification, provided by Dr. Awesome DVMO, District Veterinary Medical Officer (DVMO), to Mr. Plant Person, Supervisor on March 6, 2024, at approximately 1630 hours.

On March 3-6, 2024, you provided FSIS, via emails, written corrective actions and preventive measures, in response to the regulatory noncompliance detailed in the NOS. The response outlined actions adequate to address the noncompliance regarding humane handling of livestock requirements, including a plan to maintain compliance with the *Federal Meat Inspection Act* (FMIA) Title 21 of the United States Code (21 U.S.C. 603), the *Humane Methods of Slaughter Act* of 1978 (HMSA) (7 U.S.C. 1901 *et seq*), and federal regulations {Title 9 of the Code of Federal Regulations (9 CFR) Part 313}. The following documents were included, detailing actions immediately implemented and further proposed at your establishment:

*Specifically:*

- NOS Response Letter, provided March 6, 2024 at 1447 hours (16 pages)
  - Checklist for captive bolt and ammunition maintenance, completed March 1, 2024
  - Cattle Captive Bolt Stunning training records
  - Compliance log for captive bolt application of effective stunning, January and February completed
  - Updated Compliance log for captive bolt application of effective stunning record
  - ‘Observations on Stunning Placement in Cattle’ training

Based on your written response, you were informed verbally, that the suspension of the assignment of IPP, for slaughter operations, at your establishment is held in abeyance effective the start of operations on March 7, 2024.

The suspension will remain in abeyance pending verification by FSIS personnel that your proposed corrective actions and preventive measures have been effectively implemented and are adequate to maintain compliance. Establishment personnel should monitor operations to prevent violations of humane handling and slaughter from reoccurring. It is also important for you to understand the responsibility of FSIS to initiate action when there is a failure to operate in accordance with 9 CFR Part 313 of the regulations.

During the abeyance period verification activities will be conducted by IPP and results will be reported to the Specific District Office on a weekly basis. The decision to hold the suspension action in abeyance is based on the proffered actions. Any modifications to your submitted corrective actions and preventive measures made during the abeyance period need to be submitted, in writing, to the Specific District Office for review prior to implementation by your establishment.

Please be advised that, as a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective action to prevent inhumane handling of livestock at your establishment. Your failure to comply with these requirements or to implement the measures in your action plan could result in reinstatement of the suspension of inspection at your establishment or other appropriate administrative or legal action.

If you have questions regarding this matter, please feel free to contact the Specific District Office at 555-555-5555 or DVMS Dr. Awesome DVMO at 555-555-5555.

Sincerely,

Mr. Great DM  
District Manager  
USDA FSIS OFO  
Specific District