



United States Department of Agriculture

Food Safety and  
Inspection Service

December 29, 2023

Office of Field  
Operations  
Specific  
District Office

Electronically mailed on December 29, 2023

Unnamed  
Federal Building  
555 No Street  
Room 000  
Nowhere, ST  
00000

First Last, Plant Manager  
Unreal, LLC, Est. M00000  
P.O. Box 000  
Nowhere, NoState 00000  
[unreal@notreallygmail.com](mailto:unreal@notreallygmail.com)  
555-555-5555

Voice  
555-555-5555

## NOTICE OF SUSPENSION

Attention: First Last

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, LLC., Establishment M00000, located at 12345 NoStreet, Nowhere, NoState 00000. This letter follows notification via phone of the suspension action, provided by Dr. Great Vet, Frontline Supervisor, to Mr. First Last, Establishment Manager and No Person, QA Manager at approximately 1320 hours on December 29, 2023.

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 December 29, 2023. 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**

At approximately 0718 hours, while walking through the establishment's hide-on slaughter area, IPP observed the following noncompliance with HATS Category IX - Conscious Animals on the Rail. IPP observed a bovine that was on the rail after being shackled and hoisted by one hind leg. The animal was righting itself in a rolling motion, attempting to move away from an establishment area Supervisor. The Supervisor was standing on the left side of the bovine in the blood pit, past the sticker location and holding the left ear. The bovine had not been bled and there were no cuts on the throat area. The tongue was not hanging out of the mouth, and the animal was not vocalizing.

IPP observed the area Supervisor trying to stun the animal with a knife to the back of the head by cutting through the hide and then trying to insert the knife between the neck and cervical area. While the Supervisor was cutting with the knife, the bovine deliberately attempted to move away from the Supervisor by moving its head in an upwards rolling motion but was restricted due to being shackled.

IPP called for the line to be stopped at 0720 hours and provided U.S. Reject tag No. B45243252 to the area Supervisor. The area Supervisor then applied the hand-held captive bolt stunner and rendered the animal unconscious with the line stopped. As the animal was not rendered unconscious on the first attempt, this is noncompliant with 9 CFR 313.15(a)(1). IPP notified Harvest Foreman He Himself of the noncompliance and that USDA IPP would be contacting the District Office for further guidance.

While IPP waited for the SPHV, the establishment restarted the line and IPP needed to request it to be stopped again. IPP notified Foreman Himself that restarting the line violated the Regulatory Control action.

At approximately 0732 hours, the SPHV observed one large hole, 11/16" wide, centered at 5" from the pole of the head. The medial canthus of the eye was at 8" and two smaller holes approximately half the main bolt size were 3 1/4" below the pole. The plant offered to split the skull along the midline to be able to determine the path of the stunning attempts. The larger furrow of the main stun bolt was angled slightly rostral just grazing the front of the cerebrum. Both smaller secondary tunnels were parallel and angled slightly rostral passing through the cerebrum to the most rostral part of the brain stem.

### **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)(1) 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 is not considered to be robustly implemented at this time. 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 Body, 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 0000  
Washington, DC 20250  
[pretendemail@usda.gov](mailto:pretendemail@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:

Not Listed, 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: [notanemail@usda.gov](mailto:notanemail@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 Specialist Dr. Awesome Vet at 555-555-5555.

Sincerely,

District signature

District Manager, DVM

First Last, Plant Manager  
Unreal, LLC. Est. M00000

Notice of Suspension  
December 29, 2023

District Manager  
USDA FSIS OFO  
Specific District

cc:

DDMs

FLS

PHV

IIC

[fo/quarterlyenforcementreport@usda.gov](mailto:fo/quarterlyenforcementreport@usda.gov)