

Begin forwarded message:

From: Hotline Referrals <hotline.referrals@oig.usda.gov>

Date: December 30, 2015 at 1:43:29 PM CST

To:

Cc:

Subject: PS-0000-0000

Please find the attached Hotline complaint. **This matter was previously referred to the OIG Regional Investigations Office, who declined to open an investigation.** We will no longer be including formal memos with our referrals.

It is requested that your office obtain sufficient information to address the allegation shown below. Within 90 days, please send our office a status report or a final report indicating what administrative actions are planned or have been taken as a result of substantiated allegations.

When responding to our office via hotline.responses@oig.usda.gov please refer to the Hotline case number.

Thank you

Public Law 95-452, sec. 7, prohibits the unwarranted disclosure of the complainant's identity or the taking of reprisal action against the complainant. In those instances where the complainant is anonymous or wishes to remain confidential, no attempts should be made to discover the identity of the complainant. The complaint should be provided or discussed only with those who need to resolve the issues. The typed complaint should not be provided to the subject; however, you may discuss with the subject all relevant issues to completely resolve the complaint.

From:

To: USDA HOTLINE

Subject: violations

I am writing to ask that the USDA withdraw the federal grant of inspection from Pretend Farms, LLC (est. 00000) in Nowhere, Nostate, and that the matter be referred for criminal prosecution, as a result of the plant's repeated and serious violations of federal law.

As you know, Pretend Farms has been suspended three times since October 10, 2013, for failing to properly stun animals, in violation of statutory mandate. Additionally, there were at least four other violations of the HMSA in September, all of which resulted in serious and significant animal suffering.

Additionally, the violations documented by FSIS inspectors at Pretend Farms should be referred to federal prosecutors. Each of the three incidents described in your office's suspension letters is a serious violation of federal law, as are the incidents documented in four Noncompliance Reports (NR) over one 17-day period in September; therefore, the behavior of the

plant owners and all involved staff should be referred for potential criminal indictment.[2]

Thank you for taking seriously the suffering of the animals at Pretend Farms. As you know, the Notices of Suspension document multiple instances of animals shot through the head and left to suffer for minutes, panicked and bellowing, fully conscious with holes in their heads. In a few instances, the Notices of Suspension seem to indicate that if not for FSIS personnel, Pretend Farms' staff would not have taken appropriate action.

Because of their continued failure to follow federal law, even after repeated warnings, I strongly encourage your office to: 1) recommend withdrawing Pretend Farms' federal inspection grant; and 2) share relevant records with federal prosecutors with your office's recommendation of criminal prosecution.

I would appreciate a response.
Sincerely,



Office of Field
Operations

Specific
District Office

No Federal Building
000 Nowhere St., Room 000
Nowhere, ST 00000
555-555-5555

TO: Great Director
Director
Internal Control Staff

January 27, 2016

FROM: Great DM, D.V.M.
District Manager

SUBJECT: Hotline complaint, #0000-0000 (Msc-00-0000) Pretend Farms, LLC,
Establishment 00000, Nowhere, ST- MISMANAGEMENT

Background:

Establishment 00000, Nowhere Farms, is a small (in HACCP terms) one-shift beef cattle facility in Nowhere, ST. They slaughter an average of 250 head per day. FSIS staff includes one Supervisory Public Health Veterinarian, one GS-8 Consumer Safety Inspector, and three GS-7 Food Inspectors. The establishment slaughters cattle under glatt Kosher and Halal ritual slaughter. The procedures they follow are certified by the appropriate religious organizations.

The Humane Handling (HH) enforcement timeline:

- April 23, 2013-Notice of Suspension for inhumane handling of livestock
- August 27, 2013- Letter of Warning issued to establishment closing out suspension actions
- October 10, 2013- Notice of Suspension for inhumane handling of livestock
- October 11, 2013- Reinstatement of the Suspension for a second egregious event
- December 3, 2013- Reinstatement of Suspension for a third egregious event
- May 21, 2014- Letter of Warning issued to establishment closing out suspension actions

This office received the complaint which outlined concerns of suspension actions taken in 2013, four other violations of the HMSA in September (no year provided), as well as incidents documented in four noncompliance records (NRs) over one 17-day period in September (no year provided). This office reviewed the information available and without the year provided, and based on our review of PHIS data, presumed the issues described in September occurred in 2013. This office took appropriate action for each of these issues and required that the plant provide appropriate corrective and preventative measures prior to allowing the plant to resume operations. A review of enforcement actions shows there have been no enforcement actions since the December 3, 2013, suspension that was closed-out on May 21, 2014.

The most recent HH audit, conducted by Dr. Awesome DVMO, District Veterinary Medical Officer (DVMO), was on April 29, 2015. This audit found the plant to be in compliance with the HH regulations. A trend analysis, from May 1, 2015- January 1, 2016, of HH related NRs found no trends of continued HH violation at the establishment. There were four NRs related to livestock handling and facility issues. These NRs were not related to mis-stuns or return to consciousness. In-plant personnel continue to verify compliance with the humane handling regulations by conducting activities in the Humane Handling Activity Tracking System (HATS) along with the DVMO conducting yearly humane handling audits.

Based on this district's thorough review of PHIS data and humane handling audits, the establishment is in compliance with the humane handling regulatory statutes. Since the issues of 2013, to date the establishment has been diligent in maintaining and implementing their humane handling program. Therefore this office is recommending that no further action be taken at this time.