

March 22, 2017
Specific District Office, Nowhere, ST

INVESTIGATIVE PLAN

UnReal Foods, LLC
Establishment Number M000+P000
123 4 St., Nowhere, ST 00000

File Number: 00-00-O000

Subject: UnReal Foods, LLC located at 123 4 Street, Nowhere, ST 00000, Phone (555) 555-5555. USDA Est. #M000, P000. The establishment operates as a small livestock slaughter facility (lamb, mature sheep, and goat) where livestock are slaughtered under ritual exemption. The establishment operates one slaughter shift approximately twice per week and slaughters approximately 670 animals per slaughter day.

Allegation/Violation:

This investigation was initiated as a result of a complaint received by NOORG. Mr. First Last, Investigations Specialist for NOORG, forwarded the complaint to the Specific District Office on March 21, 2017, via electronic mail.

The complaint alleges inhumane slaughter at UnReal Foods, LLC establishment number M000+P000, located at 123 4 Street, Nowhere, ST 00000. Specifically, the compliant identified the following: An estimated one-third of the sheep, lambs, and goats slaughtered at the facility are not intended for halal or other religious or ritual use, yet workers shackle and hoist these animals and slit their throats without prior stunning.

- a) Some of them remain conscious for up to two minutes after their throats have been cut—far longer than the 30 seconds that U.S. Department of Agriculture consultant Jill Jonas, based in Nowhere, has proposed as the point by which ritually slaughtered animals should be insensible.
- b) A manager laughed when asked why animals are not stunned prior to being shackled, hoisted, and cut and admitted that although the facility has a stunning device, staff do not use it (including on animals killed in "conventional" slaughter). (Please note that many halal authorities accept the stunning of animals before and after the ritual cutting of their throats.)
- c) Workers slaughter animals in full view of other animals, and the arterial spray from slaughtered animals sometimes reaches those looking on.
- d) Several distressed animals collapsed—possibly because of severe stress—while in the chute leading to the kill floor and were slaughtered there.

These allegations reflect potential violations of Title 9 of the Code of Federal Regulations, Section 313 regarding animals slaughtered without participation in the religious exemption for slaughter and being subject to inhumane treatment that includes shackling, hoisting, and sticking to initiate exsanguination in conscious animals. Should these allegations be accurate (items a, b, and d above) would be in violation of The Federal Meat Inspection Act, 21 U.S.C. 603 Sec. 3 (b), and the Humane Methods of Slaughtering Livestock Act (HMSA), 7 U.S.C. 1901, and 7 U.S.C. 1902. Specifically, 7 U.S.C. 1902 provides that *“Either of the following two methods of slaughtering and handling are hereby found to be humane: ... (b) by slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering.”* Additionally, 7 U.S.C. 1906 provides **“Exemption of ritual slaughter; Nothing in this chapter shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of this chapter, in order to protect freedom of religion, ritual slaughter and the handling or other preparation of livestock for ritual slaughter are exempted from the terms of this chapter. For the purposes of this section the term “ritual slaughter” means slaughter in accordance with section 1902(b) of this title.”**

Pre-Visit PHIS Analysis:

PHIS analysis of the previous year, March 21, 2016 through March 21, 2017, for humane handling MOIs, NRs, and HATS tracking data revealed the following MOI WZA0000020010G dated February 10, 2017, and WZA0000011027G dated January 27, 2017, identified the following issues of concern:

- On the 27th of January, a compliance investigator from the State of Nowhere came into the plant because of an expired halal slaughter registration. That same week the District Office received a complaint from the City of Specific Animal Control about slaughter activities in the plant. UnReal Foods is asked to continue to monitor its robust humane handling program. It is suggested that the plant also consider limiting the number of unauthorized persons in the slaughter area. This includes plant employees which are not involved with the actual slaughtering process.
- An email detailing the findings of an initial review of the plant’s robust humane handling program was reviewed. Plant management was given links to the Federal Register and the 2013 FSIS Compliance Guide was included in the email.
- On Monday, January 16th, 2017, an unauthorized person was escorted from the building by the police. This is in addition to 2 thefts in the prior 2 weeks. Issues about plant security were expressed to the company president, Mr. First Last. In response, UnReal Foods has hired a security guard and fixed the broken camera system.

There were no humane handling noncompliance records issued during the 12 month period reviewed. HATS data indicated 222.75 total hours for 73,931 head slaughtered in 110 days, averaging approximately 2.025 hours per day and 0.003 per head. HATS validation indicated five days where slaughter data was reported with no HATS time documented: 6/15/2016, 8/3/2016, 10/24/2016, 12/1/2016, and 12/14/2016.

Scope of Investigation:

The complete scope of the investigation cannot be accurately determined at this time based on the available information. The following investigative actions will be conducted.

- The next slaughter day will be on Monday March 27, 2017.
- The Frontline Supervisor will interview the Supervisory Public Health Veterinarian (SPHV) regarding humane handling observations.
- Provide information about the plant production and practices.
- The previous humane handling assessment reports will be reviewed
- A District Veterinary Medical Officer (DVMO) will conduct a humane handling assessment on the first available slaughter day. This is tentatively scheduled for March 27, 2017, as the establishment slaughters intermittently twice weekly.
- Review any and all training documents of the live animal handling procedures for type of training and for signatures and dates of relevant and identifiable employees confirming that they have had the training. Document if none exist as well.
- Investigate and determine if the establishment has a recent history of USDA In Plant Personnel (IPP) observing any animal mistreatment that would be consistent with the allegations. Obtain signed statements and/or document MOIs of those who state awareness and/or have direct evidence supporting evidence of livestock mistreatment.
- Request any information from establishment management regarding any known or reported acts of animal abuse on the official premises. Can establishment confirm if any personnel have been disciplined or terminated for animal abuse of a related or similar nature?
- Request and conduct interviews with establishment management and take signed statement and/or document MOIs of their awareness of the alleged events reported by NOORG.
- Conduct interviews of livestock handling establishment employees specifically for direct awareness or knowledge of the truthfulness of the alleged incidents of inhumane treatment.
- Collect and review any and all USDA MOIs, NRs, and any other regulatory documentation for the past 12 months that relate to humane handling issues to determine if there is or was any trend or similar root cause event to the alleged animal mistreatment and if FSIS documented it.

Investigative Steps:

The investigative steps described below may be expanded as information is developed during the investigation. The investigative team will initiate the following actions, analyzing and verifying all documents to determine the applicable process flow, as well as how animals and animal products move through that flow, in order to determine if those animals and animal products are identified, controlled and disposed of properly. The teams will prioritize their investigation based on the following issues:

- Request interview NOORG Officials to gather supportive evidence to support the claims made.
- At each arrival to the establishment, and as deemed appropriate, the investigative team(s) will conduct Entrance/Exit Meetings with establishment management, where the scope of the investigation will be explained.
- Any tracking of employee training and associated recordkeeping to support the verification of establishment humane handling practices.
- Antemortem handling and slaughter observations.

- Procedures for all ritual slaughter methods used.
- Packaging and labeling of products.

Investigative Techniques:

Review the following:

- NOORG complaint regarding alleged livestock mistreatment at UnReal Foods, Specific, IL.
- PHIS Profile and Verification History
- Any prior administrative actions as well as the Application for Federal Meat Poultry Inspection and Grant of Inspection from the Specific District Office
- FSIS reviews documentation on file for this establishment to demonstrate if there is any supportive documentation of animal mistreatment trends of non-compliance.
- Any Training Procedures including disciplinary actions.
- Live Animal Handling and slaughter related Procedures or SOPs.
- List of employees working in the area including terminated employees or employees who left voluntarily, as available.
- Review FSIS Directive 6100.1 (Antemortem Livestock Inspection)
- Review FSIS Directive 6900.2 (Humane Handling and Slaughter of Livestock)
- Review FSIS Form 6000-31 and Narrative for past 12 months for DVMO's report perspective.
- Collect and review any humane handling MOIs, NRs, and humane handling enforcement actions issued to the establishment within the past 12 months. Determine if there is any support or trend to support the alleged animal mistreatment.
- Review and collect any relevant slaughter records.
- Review and collect any available APHIS VS Records, if applicable and practicable.
- Review and collect any humane handling in-house Logs and related records.

Topics to address:

- Employee training or inadequate training identified and documented that displays a vulnerability within the humane handling system and associated supportive training records for each identified live animal handling area on the official premises.
- Verify the method of slaughter, i.e. ritual exempt or non-exempt, and availability of the associated religious authority on the days of slaughter
- Verify if there have been any other recent animal mistreatment allegations at the establishment.
- Verify FSIS IPP follow the guidelines from Directive 6900.2 as it relates to humane handling observations in ritual slaughter establishments, specifically:
 - In an establishment at which ritual slaughter is performed, IPP are to request the establishment manager to inform them about what type of ritual slaughter (e.g., Kosher, Halal) performed, when it will be performed, and who will perform the ritual slaughter.
 - IPP are to verify that the humane handling of animals prior to preparation of the animal for ritual slaughter is in compliance with 9 CFR 313.1 and 313.2. Verification activities may include confirming the availability of water, checking the condition of pens and ramps, and verifying that there is no excessive use of electric prods.

- IPP are not to interfere in any manner with the preparation of the animal for ritual slaughter, including the positioning of the animal, or the ritual slaughter cut and any additional cuts by or under the supervision of the religious authority to facilitate bleeding.
- IPP are to verify that after the ritual slaughter cut and any additional cut to facilitate bleeding, no dressing procedure (e.g., head skinning, leg removal, ear removal, horn removal, and opening hide patterns) is performed until the animal is insensible.
- If IPP have concerns, they are to contact the District Office through supervisory channels.

Interviews should include but not limited to:

- TO BE DETERMINED (TBD) AND LISTED HEREIN BY INVESTIGATIVE TEAM.

Next Steps:

- Reach out for investigative assistance, additional plan input, and/or additional guidance.
- Assign Investigators.
- Set Dates for Investigative activities.
- Instruct USDA FSIS OFO personnel at each level to assemble all relevant records to UnReal Foods, LLC and specifically to this complaint.
- Make attempts to ascertain from complainant if there are specific target dates for the alleged activities to allow capture of relevant security video footage that may be relevant.
- Should any statutory and/or regulatory violations be discovered during the investigation, the appropriate regulatory action will be taken to address the issue(s); this includes, but not limited to MOIs, NRs, and enforcement actions.

Resources:

TBD

Investigative Liaisons:

TBD