



Food Safety and
Inspection Service

August 12, 2019

Office of Field Operations

**ORIGINAL SENT VIA UPS NEXT DAY AIR
DELIVERY CONFIRMATION REQUESTED**

Philadelphia District
Mellon Independence
Center,
701 Market Street Suite
4100-A
Philadelphia, PA 19106

Mr. John Willard, Owner
Ward Willard & Son (Est. 19989)
4496 State Highway 812
Heuvelton, NY 13654

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Willard,

This letter confirms verbal notification to Mr. John Willard, Owner, by Mr. Joseph Schein, Deputy District Manager (DDM), at approximately 2:50 P.M. on August 12, 2019, of our decision to place the Notice of Suspension (NOS), issued to you on August 9, 2019 into abeyance. FSIS is providing you with this Notice of Suspension Held in Abeyance (NOSHIA) based on your proposed corrective actions and preventive measures. FSIS determined that the suspension action will be placed in abeyance and the assignment of Inspection Program Personnel (IPP) will resume, pending FSIS verification of the adequacy of your humane handling program in achieving regulatory compliance. FSIS will be verifying your actions to ensure that you effectively implement the proffered corrective actions and preventive measures. This letter provides you with the chronology of events and conclusions, including your responsibilities as a federally inspected establishment.

On August 9, 2019, FSIS issued a Notice of Suspension (NOS) to withhold the marks of inspection and suspend the assignment of inspectors for your slaughter operation. This action was initiated in accordance with Title 9 of the Code of Federal Regulation (9 CFR) Part 500.3(b), after FSIS determined that your establishment failed to handle animals humanely, in violation of the Federal Meat Inspection Act (FMIA) [21 U.S.C 603] and 9 CFR 313.16.

In response to the suspension, you submitted written corrective actions and preventive measures on August 9, 2019. FSIS requested further clarification to your proposed actions, and you then submitted additional corrective actions on August 12, 2019.

Your Corrective and Preventive Measures are:

1. Only Mr. John Willard will be stunning cattle.
2. The plant [will] use a .22 magnum for stunning of smaller cattle and a .30-30 for any over 1200lbs.
3. All personnel stunning cattle were retrained with the following :
 - a. Observations on Stunning Placement in Cattle by J. K. Shearer
 - b. Recommended Captive Bolt Stunning Techniques in Cattle by Temple Grandin
 - c. How to Determine Insensibility (Unconsciousness) in Cattle, Pigs, and Sheep in Slaughter Plants by Temple Grandin
4. Back-up device will be present whenever slaughtering animals

5. Stunning effectiveness and back-up device placement will be recorded each cattle slaughtering day

FSIS inspection personnel have designed a Verification Plan (VP) and will use it to monitor and verify that you have effectively implemented your proposed actions. The VP identifies your corrective actions from your responses submitted to FSIS, the relevant regulatory requirements, the tasks FSIS will use to conduct verification activities, and the time frames that you identified. While these verification activities are targeted to your plant's animal handling, FSIS personnel will continue to ensure all humane handling/stunning regulatory requirements of 9 CFR Part 313 are in regulatory compliance. A copy of the VP is attached as a reference to assist you in understanding Agency verification activities.

As an operator of a federally inspected facility, we expect you to comply with FSIS regulations and to take appropriate corrective action when either the establishment or FSIS identifies regulatory noncompliance. FSIS has the responsibility to initiate regulatory control or other appropriate action if your establishment fails either to operate in accordance with the regulations or to operate under sanitary conditions. A final decision relative to this enforcement action will be determined based on your establishment's ability to execute and comply with your proffered corrective actions and all applicable regulatory requirements. Your establishment's failure to meet the conditions of this abeyance may result in additional regulatory and/or administrative actions in accordance with the Rules of Practice 9 CFR Part 500.

If you have any questions regarding this matter, please feel free to contact Mr. Joseph Schein, Deputy District Manager (DDM) at Joseph.Schein@usda.gov or by phone at (215) 430-6219.

Sincerely,

LYNDA
LILYESTROM

Digitally signed by
LYNDA LILYESTROM
Date: 2019.08.12
15:06:29 -04'00'

Dr. Lynda Lilyestrom,
District Manager
Philadelphia District Office

Verification Plan for Ward Willard & Son (Est. 19989) August 12, 2019

ESTABLISHMENT ACTION PLAN	REGULATION	HUMANE HANDLING VERIFICATION CATEGORY	FREQUENCY
Only Mr. John Willard will be stunning cattle.	9 CFR 313.16	Category VIII - Stunning effectiveness.	Confirm by observation each slaughter day
The plant used a .22 magnum for stunning of smaller cattle and a .30-30 for any over 1200lbs.	9 CFR 313.16	Category VIII - Stunning effectiveness.	Confirm by observation each slaughter day
All personnel stunning cattle were retrained	9 CFR 313.16	Category VIII - Stunning effectiveness.	Confirm by record review once
Back-up device will be present whenever slaughtering animals	9 CFR 313.16	Category VIII - Stunning effectiveness.	Confirm by observation each slaughter day
Stunning effectiveness and back-up device placement will be recorded each cattle slaughtering day	9 CFR 313.16	Category VIII - Stunning effectiveness.	Confirm by record review each slaughter day

Inspection Program Personnel will perform humane handling verification every slaughter operation day to verify the adequacy and effectiveness of the establishment's compliance with the humane handling regulatory requirements of 9 CFR Part 313. Inspection Program Personnel will ensure all humane handling/stunning regulatory requirements are in compliance daily on each slaughter day, regardless of the stunning method. Inspection Program Personnel will review all monitoring, verification and corrective action records to verify procedures are being conducted as prescribed and at the specified frequency.

CC:

FSIS - FO/Quarterly Enforcement Report

Mr. Mark Crowe, Director, CID, FSIS, OIEA, Washington, DC

Mr. James Borda, RD, FSIS, OIEA, Philadelphia, PA

Dr. Geraldine French, Acting EARO, FSIS, OFO, Washington, DC

Dr. Lynda Lilyestrom, DM, FSIS, OFO, Philadelphia District Office

Mr. Michael Osifat, DDM, FSIS, OFO, Philadelphia District Office

Mr. Joseph Schein, DDM, FSIS, OFO, Philadelphia District Office

Mr. Salah Ibrahim, DDM, FSIS, OFO, Philadelphia District Office

(b) (6)



Est. File M 19989

FSIS-OFO- (b) (6)

