



Food Safety and  
Inspection Service

February 3, 2020

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

(b) (6)

**Wilmington Slaughter (Est. 8609)**  
305 Easy Street  
New Wilmington, PA 16142

**NOTICE OF SUSPENSION HELD IN ABEYANCE**

Dear (b) (6),

This letter confirms verbal notification to (b) (6) by Mr. Michael Osifat, Deputy District Manager (DDM), at approximately 1430 hours. on February 3, 2020, of our decision to place the Notice of Suspension (NOS), issued to you on January 30, 2020 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 January 30, 2020, 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 January 30, 2020. FSIS requested further clarification to your proposed actions, and you then submitted additional corrective actions on January 30 and 31, 2020 and February 3, 2020.

**Corrective Actions and Preventive Measures proffered but not limited to are:**

1. Establishment #8609 will have a higher caliber apparatus for stunning large animals to unconsciousness. Such apparatus will have a larger caliber, feet per second and foot pounds than a .22 magnum such as but not limited to a 12-gauge shotgun, a .410, and/or .357 magnum.
2. Stunning staff will review and be retrained on stunning an animal and using a higher caliber on large head animals.
3. To ensure our plans are working, for the next 90 days, we will monitor the unconsciousness of animals. For the first 30 days we will monitor 50% of animals slaughtered. For the following 60 days we will monitor 25% of animals slaughtered.

FSIS has 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 IPP 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 IPP 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 correctives 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. Michael Osifat, Deputy District Manager (DDM) at [Michael.osifat@usda.gov](mailto:Michael.osifat@usda.gov) or by phone at (215) 430-6218.

Sincerely,

MICHAEL OSIFAT Digitally signed by MICHAEL OSIFAT  
Date: 2020.02.03 15:08:34 -05'00'

Mr. Michael Osifat  
Acting District Manager  
Philadelphia District Office

**Enclosure: FSIS Verification Plan for Wilmington Slaughter (Est. 8609)**

Verification is defined as those activities other than monitoring that determine whether an establishment's system is operating as intended and complies with regulatory requirements. On January 30, 2020 Wilmington Slaughter (Est. 8609) was issued a Notice of Suspension (NOS) for failure to meet regulatory compliance as defined in Code of Federal Regulations (CFR) Title 9 CFR Part 313.16. On January 30, 31 and February 3, 2020, (b) (6), responded to FSIS with documented corrective actions with the intent to return the establishment to compliance with regulatory requirements. This verification plan is designed to verify the establishment has implemented these controls to assure FSIS of future regulatory compliance. This verification plan identifies your corrective actions, the relevant regulatory requirements, and timeframes for which FSIS officials will continue to verify implementation and effectiveness.

ESTABLISHMENT ACTION PLAN	REGU LATIO N	HUMANE HANDLING VERIFICATION CATEGORY	FREQUENCY
1. Plant management will have a larger caliber apparatus for stunning large animals to unconsciousness. Such apparatus will have a higher caliber, feet per second and foot pounds than a .22 magnum such as but not limited to a 12-gauge shotgun, a 410, and/or .357 magnum.	9 CFR 313.16	Category VIII – Stunning Effectiveness.	1.Upon implementation, February 3, 2020 Confirm by direct observation upon each slaughter day thereafter.
2. Stunning staff will review and be retrained on: stunning an animal and using a higher caliber on large head animals.	9 CFR 313.16	Category VIII – Stunning Effectiveness.	2.Upon implementation, February 3, 2020 confirm by record review once, and as employees are added.
3. The next 90 days, plant management will monito/directly observe the unconsciousness of animals. For the first 30 days plant management will monitor 50% of animals slaughtered. For the following 60 days plant management will monitor 25% of animals slaughtered.	9 CFR 313.16	Category VIII – Stunning Effectiveness.	3.Upon implementation February 3, 2020 confirm by direct observation and record review, then weekly thereafter.

**\*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.**

**\*Please notify the Frontline Supervisor (FLS) and the District Veterinary Medical Specialist (DVMS) if there is any change in the establishment's corrective action or preventive measures. The verification plan will then be modified appropriately.**

CC:

FSIS - FO/Quarterly Enforcement Report

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

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

Mr. Joseph Priore, Acting RD, FSIS, OIEA, Northeast Region

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)



Official Files Establishment Folder M8609

FSIS- (b) (6)

