



United States Department of Agriculture

Food Safety and  
Inspection Service

July 23, 2019

Office of Field  
Operations

**Certified Mail**

Atlanta District Office

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Atlanta, GA. 30303  
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800-282-2005

Mr. Troy Wainwright, Owner  
WJ Wainwright and Son, Inc.  
Est. M48277  
135 Wil Wainwright Road  
Nahunta, GA 31553

**NOTICE OF REINSTATEMENT OF SUSPENSION**

Dear Mr. Wainwright:

This serves as official notification by Food Safety and Inspection Service (FSIS) of the Notice of Reinstatement of Suspension at WJ Wainwright and Son, Inc., Est. M48277, located at 135 Wil Wainwright Road, Nahunta, GA 31553. This Reinstatement of Suspension is based on the failure of WJ Wainwright and Son, Inc., Est. M48277, to humanely and effectively handle livestock according to 9 CFR Part 313. Effective July 23, 2019, FSIS is withholding the marks of inspection and suspending the assignment of slaughter inspection program personnel at WJ Wainwright and Son, Inc., Est. M48277, located at 135 Wil Wainwright Road, Nahunta, GA 31553.

**Background Authority**

The Federal Meat Inspection Act (FMIA) [21 U.S.C. 603] provides that it is essential that livestock be handled with minimum of excitement and discomfort during holding and slaughtering. Section 3 (b) of the Federal Meat Inspection Act states, *“For the purpose of preventing the inhumane slaughtering of livestock, the Secretary shall cause to be made, by inspectors appointed for the purpose, an examination and inspection of the method by which 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 equine have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with sections 1901 to 1906 title 7 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 a method.*

Furthermore, the Act provides FSIS the authority to appoint inspectors to examine and inspect the method by which livestock are slaughtered and handled at slaughtering establishments. It also gives FSIS program personnel the right to examine and inspect carcasses and parts of carcasses that are further treated and prepared and the right access

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and examine establishment records. When conditions exist concerning the slaughtering and handling of livestock, not by a method in accordance to sections 1901 to 1906 of Title 7, FSIS can refuse to render inspection and indefinitely withdraw inspection from an establishment, provided the establishment is afforded the right to an administrative hearing.

Under the authority of the Act, FSIS has prescribed rules and regulations required for establishments slaughtering and handling of livestock according to 9 CFR §313 et seq. 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.

### **Basis for Action**

On May 21, 2019, FSIS issued a Notice of Suspension to your establishment because you failed to consistently handle and slaughter animals humanely in accordance with 9 CFR Part 313.

On May 28, 2019, FSIS issued a Notice of Suspension Held in Abeyance and allowed operations to resume, based on corrective measures proposed and implemented by your establishment to assure the humane handling of livestock.

On July 23, 2019, at approximately 0900 hours Inspection Program Personnel (IPP) observed that it took six shots (two with a hand held captive bolt (HHCB), three with a .22 magnum pistol and a final shot with the HHCB) to effectively render a sow unconscious. IPP took a regulatory control action by affixing US Reject tag #B20795940 to the knock box. Post mortem examination of the head revealed five distinct points of entry.

This Reinstatement of Suspension is based upon your establishment being in violation of 9 CFR 313.15(a)(1) and 313.16(a)(1) which were promulgated from the Federal Meat Inspection Act [21 U.S.C. 603] Section 10, which states, in part “ *No person, firm, or corporation shall, with respect to any cattle, sheep, swine, goats, horses, mules, and other equines, or any carcasses, parts of carcasses, meat or meat food products of any such animals-(b) slaughter or handle in connection with slaughter any such animals in any manner not in accordance with sections 1901 to 1906 of title 7.*”

In accordance with 9 CFR Part 500, the suspension of the assignment of inspectors from your establishment's slaughter operations shall remain in effect until you provide adequate written assurances of corrective and preventive measures sufficient to assure that that livestock is handled and slaughtered with minimal discomfort. These corrective actions and preventive measures should include at a minimum:

- 1) Identify the assessment process used to determine the nature and cause of the incident.
- 2) Identify what the assessment revealed as the likely cause, i.e. the specific reason(s) why the event occurred.
- 3) Describe the specific actions that will be taken to eliminate the cause of the incident.

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- 4) Describe the specific actions that will be taken to prevent future reoccurrences.
- 5) Describe the future monitoring activities that your establishment will use to ensure that the actions are effective.

As a federally inspected establishment, you are expected to fully comply with 9 CFR §313.16 and all other requirements concerning the humane slaughter of livestock. In accordance with 9 CFR §500.3(b), we are reinstating the suspension of the assignment of inspectors at Gray's & Danny's Investment, Inc., M40244, for inhumane handling.

You may appeal this action by contacting:

U.S. Department of Agriculture  
Food Safety and Inspection Service  
Attention: Michael Watts  
Executive Associate for Regulatory Operations  
1400 Independence Avenue, SW  
Room 344-E, Whitten Building  
Washington, DC 20250

In accordance with 9 CFR 500.5(d), you may request a hearing concerning this action by contacting:

Physical Address:  
(For courier)

Scott C. Safian, Director  
Enforcement and Litigation Division  
Office of Investigation, Enforcement and Audit  
Food Safety and Inspection Service  
United States Department of Agriculture  
Patriots Plaza III, 8th Floor, Cubicle 8-235A  
355 E Street, SW  
Washington, DC 20024-3221

or

Mailing Address:

Scott C. Safian, Director  
Enforcement and Litigation Division  
Office of Investigation, Enforcement and Audit  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 3753, PP III, Cubicle 8-235A  
1400 Independence Avenue, SW  
Washington, DC 20250

Telephone: (202) 418-8872  
Fax Number: 202-245-5097

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If you have any questions regarding this matter, please contact the Atlanta District Office at (404) 562-5900.

Sincerely,



Dr. Phyllis Adams

District Manager

cc: Phil Bronstein, AA/OFO  
Hany Sidrak, DAA/OFO  
Michael Watts, EARO/OFO  
Scott Safian, ELD/OIEA  
Larry Hortert, RD/CID/OIEA

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Tracy Bryant, DDM/OFO  
Ghias Mughal, DDM/OFO

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