



Food Safety and
Inspection Service

June 12, 2020

Raleigh District Office

EMAIL

6020 Six Forks Road
Raleigh, NC. 27609
Voice: 919-844-8400
Fax: 844-839-6360

Mr. Ryan Ford (Owner)
Seven Hills Abattoir, Est. M46877
1803 Holiday Street
Lynchburg, Virginia 24501

NOTICE OF REINSTATEMENT OF SUSPENSION

Dear Mr. Ford,

This letter confirms the verbal notification given to the Establishment Manager on June 12, 2020, at approximately 9:20AM, by the Food Safety and Inspection Service (FSIS) Inspection Program Personnel (IPP) of the reinstatement of suspension of the assignment of inspectors for slaughter operations at Seven Hills Abattoir, Est. M46877, herein after referred to as “your establishment.” This action was initiated in accordance with Title 9 of the Code of Federal Regulations (9 CFR) 500.3, after FSIS determined that your establishment failed to slaughter and handle animals humanely.

Background/Authority

The Federal Meat Inspection Act (FMIA) (Title 21 of the United States Code {21 U.S.C.} 603 et seq.) provides that for the purpose of preventing the inhumane slaughtering of livestock, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the methods 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 slaughtering to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishments by any method not in accordance with sections 1901 to 1906 of 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.

The Humane Methods of Slaughter Act of 1978 (7 U.S.C. 1901 et seq.) provides that Congress finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits

for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce. It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

Findings/Basis for Suspension

At approximately 8:30am on the morning of Friday, June 12, 2020, a member of Inspection Program Personnel (IPP) was located behind the gutting area of the kill floor and observed a kill floor employee on the platform above the knock box. The bovine in the knock box appeared to be moving around a lot and banging into the box creating lots of noise, which caught the attention of IPP. IPP watched the employee moving his hand around while holding a 25-caliber hand-held captive bolt device (HHCB) in an attempt to stun the animal. The employee rendered a stun with the captive bolt gun, but the animal did not drop. The animal remained standing with no vocalization but remained agitated. A second employee came up into the knock box area to assist and reloaded the captive bolt and attempted a second time to knock the animal. The second employee successfully rendered the animal unconscious with the 2nd stun using the same HHCB. After the animal's head had been removed and skinned, IPP noted that there were two (2) penetrating wounds; one hole located low and to the right of the ideal stunning location (there was bruising of the surrounding tissue, and the hole did not appear to penetrate as deep as the second hole) and a second hole located in the correct position for stunning. IPP confirmed with the second employee that the incorrectly placed hole was a result of the first ineffective stun attempt. After consulting with the SPHV, IPP placed US Retain/Reject tag #B30899664 on the knock box in accordance with 9 CFR 313.50(c) and notified the Manager of the noncompliance. After further consultation with the Raleigh District Office (RDO), IPP notified the Manager of the RDO's decision to reinstate a Suspension action.

This incident is a violation of 9 CFR 313.15(a)(1) which states, in part, the captive bolt stunners shall be applied to the livestock to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut. This incident is considered egregious because there have been multiple incidents with the same root cause of stunning ineffectiveness. You have previously submitted corrective actions which should have prevented this situation from recurring; however, these corrective actions appear to be ineffective and further action is necessary to address the underlying cause(s) of the repetitive noncompliances.

The reinstatement of suspension action will remain in effect until you provide the Raleigh District Office with adequate written assurances, including corrective actions and further planned preventive measures, to assure that livestock at your establishment are slaughtered humanely. In order to resume inspected operations, you must submit corrective actions to my attention at the District Office. These corrective actions should include at a minimum the following:

1. Identify the assessment process used to determine the nature and cause of the noncompliances.
2. Identify what the assessment revealed as the likely cause of the system failure.
3. Describe the specific actions that will be taken to eliminate the cause of the failures.
4. Describe the future monitoring activities you will use to ensure that changes are implemented and are effective.

You are reminded that, as an operator of a federally inspected plant, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent inhumane handling of livestock at your establishment. Please be advised that your failure to respond adequately to these issues may result in our initiating action to withdraw inspection from your establishment. Please also be advised that you have the right to appeal this matter.

In accordance with 9 CFR 500.5(a)(5), 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 addition, you may also request a hearing regarding this determination pursuant to FSIS' Rules of Practice (9 CFR 500.). The rules of Practice were published in the Federal Register, Vol. 64, No. 228, on November 29, 1999. As specified in Section 500.5(d), should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing. If you wish to request a hearing regarding this determination, you should contact:

Scott C. Safian, Director
Food Safety and Inspection Service
Office of Investigation, Enforcement and Audit
Enforcement and Litigation Division
Stop Code 3753, PPIII, Cubicle 9-235A
1400 Independence Avenue, SW
Washington, D.C. 20250
Voice: (202) 418-8872
Fax: (202) 245-5097

It is our hope that this matter can be resolved quickly. If you have any questions, you may call me at 919-208-2945 or contact me via email at todd.furey2@usda.gov. You may also contact Dr. Arial Thompson, Deputy District Manager, at 919-208-2946. We urge your cooperation and voluntary compliance.
Sincerely,

**ROGER
MURPHY**

Digitally signed by ROGER
MURPHY
Date: 2020.06.12 14:26:26
-04'00'

for Todd Furey
District Manager
Raleigh, NC

cc:

P. Bronstein, AA/FO

H. Sidrak, DAA/FO

M. Watts, EARO/FO

S. Safian, ELD/OIEA

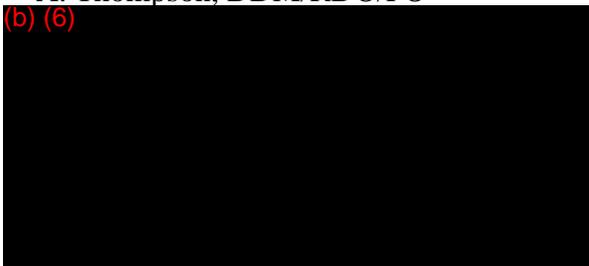
L. Hortert, RD/CID/OIEA

R. Murphy, DDM/RDO/FO

M. Roling, DDM/RDO/FO

A. Thompson, DDM/RDO/FO

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Quarterly Enforcement Report
Establishment File (Est. M46877)