



Food Safety and
Inspection Service

August 16, 2019

Office of Field Operations

**ORIGINAL VIA FED EX NEXT DAY AIR – DELIVERY
CONFIRMATION REQUESTED**

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

Mr. Richard Blood
E.L. Blood and Son (Est. M6354)
94 W. Main Street
West Groton, MA 01472

NOTICE OF SUSPENSION

Dear Mr. Blood,

This letter confirms verbal notification provided to (b) (6) by Mr. Joseph Schein, Deputy District Manager (DDM), at approximately 2:00 P.M. on August 16, 2019, of the Food Safety and Inspection Service's (FSIS) decision to suspension of the assignment of Inspection Program Personnel (IPP) for the Slaughter Hazard Analysis and Critical Control Point (HACCP) process at **E.L. Blood and Son (Est. M6354)**, located in West Groton, MA. FSIS is issuing this notification in accordance with the Rules of Practice, Title 9 of the Code of Federal Regulations (9 CFR) Part 500.3(b).

Findings/Basis for Action

As reported by (b) (6) on 8/16/19, at approximately 8:15am, (b) (6) was observing humane handling procedures for stunning effectiveness when she observed the ineffective stun of a market swine. The swine was present in the swine electrical kill box on the kill floor. A slaughter floor employee pressed the button on the wand and discharged an electrical current on the swine while it was standing. The animal stiffened, then sat upright in the stun box and remained conscious as evidenced by looking around with coordinated movements and vocalizing. Without removing the electrical wand from contacting the pig, a second electrical charge was discharged by the employee. The animal again stiffened, and remained conscious, continued sitting upright and continued vocalizing. The employee discharged a third electrical current to the pig. The pig stiffened, then fell to its side and continued to vocalize. The slaughter employee then utilized the loaded back-up captive bolt stunner and stunned the animal. This shot was successful in rendering the animal unconscious. The animal remained unconscious throughout the sticking and shackling process.

Reject tag number B24778318 was applied to the stun box. The Establishment was notified that due to the seriousness of this matter, an immediate regulatory control action was taken, and the District Office would be alerted of the situation. The Establishment operates under a Robust Systematic Approach, within the

previous approximately ninety days, there has been one non-egregious ineffective stun noncompliance written for a beef cow: BNH1510071631N on 7/31/2019. The Establishment was suspended in the past for the ineffective stun of a roaster swine on 9/10/2018, the mis-handling of a swine on 5/21/2018, and the ineffective stunning of beef cows on 8/23/2017 and 8/30/2017.

The Establishment operates under a Robust Systematic Approach (RSA) to Humane Handling. Due to the recent humane handling history and because the Establishment was not maintaining the electrical stunning device to successfully stun animals, the District Office issued a Notice of Suspension.

For electrical stunning, Regulation 9 CFR Part 313.30 requires that the electric current shall be administered so as to produce, at a minimum, surgical anesthesia, i.e., a state where the animal feels no painful sensation... they shall be exposed to the electric current in a way that will accomplish the desired result quickly and effectively, with a minimum of excitement and discomfort.

Background/Authority

The Federal Meat Inspection Act (FMIA) [21 U.S.C. 603 sec. 3. (b)] states, “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 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 equines have been slaughtered or handled in connection with slaughter at such establishment 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.” In addition, under prohibited acts, 21 U.S.C. 610 sec 10 (b), “No person, firm or corporation shall, with the 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 slaughter or handle in connection with slaughter any such animals in any manner not in accordance with sections 1901 to 1906 of Title 7.”

7 U. S. C. 1901

Humane Methods of Slaughtering Act 7 USC 1901 states, “The 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.”

7 U. S. C. 1902

The Humane Methods of Slaughtering Act 7 USC 1902 states, “No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane.”

Under the authority of the above Acts, FSIS has prescribed rules and regulations required for establishments producing meat and poultry products, including the requirements pertaining to humane slaughter of livestock, as required by 9 CFR 313, and other matters. The Rules of Practice describe the types of enforcement action that FSIS may take to include a withholding action and/or suspension, with or without prior notification, and for filing a complaint to withdraw a Grant of Federal Inspection.

Please provide this office with a written response concerning this NOS by addressing the following:

- Evaluate and identify the nature and cause of the incident.
- Explain the specific reason(s) why the event occurred.
- Describe the specific actions taken to eliminate the cause of the incident.
- Describe specific planned actions that you will take to prevent future reoccurrences.

Provide associated records that include monitoring and verification activities your establishment will use to ensure that changes are effectively implemented. We will determine further action, if any, based on your response.

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 the inhumane treatment of animals at your establishment. Please be advised you have the right to appeal this matter. If you wish to appeal, you should contact:

Executive Association for Regulatory Operations
USDA, FSIS, Field Operations
1400 Independence Ave. S.W.
Room 3161, South Building
Washington, DC 20250-3700
Telephone: 202-205-0001
Fax: 202-720-6050

In addition, you may also request a hearing regarding this determination pursuant to FSIS Rules of Practice (9 CFR Part 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
Enforcement and Litigation Division (ELD)
Office of Investigation, Enforcement and Audit (OIEA)
Food Safety and Inspection Service
United States Department of Agriculture
Patriot Plaza III, 9th Floor Cubicle 9-235A
355 E Street SW
1400 Independence Avenue, SW
Washington, DC 20024-3221
Telephone: (202) 418-8872
Facsimile: (202) 245-5097

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,

JOSEPH SCHEIN Digitally signed by JOSEPH SCHEIN
Date: 2019.08.16 17:02:56 -04'00'

Dr. Lynda Lilyestrom
District Manager
Philadelphia District Office

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 6354

FSIS-OFO (b) (6)

