



Food Safety and
Inspection Service

Alameda District
800 Buchanan St.
Albany, CA 94710

Phone: (510) 769-5712

Fax: (844) 622-0081

November 20, 2019

Mr. Lawrence Mori, Owner
York Meats
Establishment M6482
3600 York Lane
Fallon, NV 89406

**CERTIFIED RETURN
RECEIPT REQUESTED**

(b) (6)

NOTICE OF SUSPENSION

Dear Mr. Mori:

This letter confirms the verbal notification provided to your establishment on November 20, 2019, by the Food Safety and Inspection Service (FSIS), Alameda District of the suspension of the assignment of inspectors at your establishment and the withholding of the marks of inspection for the slaughter operations, in accordance with 21 U.S.C. 603 and Title 9 Code of Federal Regulations (CFR) Part 500.3 (b). This action is initiated due to your firm's failure to maintain or implement required controls to prevent the inhumane handling and slaughtering of livestock at your establishment and to appropriately slaughter animals in accordance with Title 9 CFR Part 313.15(a)(1) and 313.15(b)(1)(iv). This is in violation of 21 U.S.C. 603(b) of the Federal Meat Inspection Act, the Humane Methods of Slaughter Act of 1978, and the regulations promulgated thereunder.

Background/Authority:

The Federal Meat Inspection Act (FMIA) (21 USC 603 et seq.) provides for the purpose of preventing the inhumane slaughtering of livestock that FSIS has the authority, as designated by the Secretary of the Department of Agriculture, to prescribe rules and regulations describing examine and inspect 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 the Act. FSIS may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughter establishment if FSIS 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 U.S.C. Title 7 until the establishment furnishes assurances satisfactory to FSIS that all slaughtering and handling in connection with the slaughter of livestock shall be in accordance with such a method.

Under the authorities of the Act, FSIS has prescribed rules and regulations required for the humane slaughtering of livestock, as contained in Title 9 CFR Part 313, and the Humane Methods of Slaughter Act of 1978. FSIS has also developed Rules of Practice regarding enforcement prescribed in Title 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, as well as the procedures for filing a complaint to withdraw a Grant of Federal Inspection.

Findings and Basis for Action:

On November 20, 2019, at approximately 0800 hours, while performing a Humane Handling task on the kill floor, the FSIS Consumer Safety Inspector (CSI) observed an establishment employee attempt to knock a lamb. The establishment employee applied the first knock on the center of the lamb's forehead directly above the eyes. The lamb fell onto its side, but then immediately attempted to rise by extending its front legs out and pushing itself up. The CSI observed the lamb vocalizing and rhythmically breathing. The lamb's eyes were tracking and blinking. The establishment employee proceeded with a second knock in the center of the forehead again directly above the animal's eyes.; however, the lamb continued to vocalize, and the CSI observed the lamb breathing. The CSI also observed that the lamb's eyes were still tracking and blinking. The establishment employee applied a third knock, and the knocking rod got stuck half way out of the knocker, so your employee manually pulled it out. Your establishment employee then attempted a fourth knock, which was a misfire as no ammunition was discharged. After attempting to knock the lamb four (4) times, the lamb was still laying on its side, breathing, with its rib cage rising and falling, vocalizing and eyes tracking and blinking.

At that time, Mr. Lawrence Mori, Owner, instructed a more experienced employee to come apply an additional knock. The second employee successfully applied the fifth knock rendering the animal unconscious. The CSI then applied U.S. Rejected Tag # A9334086 to the knock box and notified your establishment of the regulatory control action.

This is an egregious act of inhumane handling of animals in connection with slaughter, as your employee was unable to render the lamb immediately unconscious after numerous attempts, and the final stunning was delayed while you obtained a more experienced employee. Your establishment does not currently have a robust Systematic Approach to the humane handling of livestock.

This is a violation of Title 9 CFR 313.15(a)(1), which states, *“The captive bolt stunners shall be applied to the livestock in accordance with this section so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, case, or cut. The animals shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.”* In addition, Title 9 CFR 313.15(b)(1)(iv) states, *“The stunning operation is an exacting procedure and requires a well-trained and experienced operator. He must be able to accurately place the stunning instrument to produce immediate unconsciousness. He must use the correct detonating charge with regard to kind, breed, size, age, and sex of the animal to produce the desired results.”* This constitutes failure to adhere to the regulatory requirements of the humane handling and slaughter of livestock, as required by the Federal Meat Inspection Act, 21 U.S.C. 603(b), the Humane Methods of Slaughter Act, and the regulations promulgated thereunder.

The Federal Meat Inspection Act 21 U.S.C. Section 603(b) provides legal authority to suspend operations at any establishment where animals have not been handled in a humane manner as described in 7 U.S.C. 1901 where it states, *“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.”* In accordance with Title 9 CFR 500.3(b), the suspension of inspection at an establishment without prior notification for inhumane handling practices is warranted, as specified in Title 9 CFR 313 and under authority of 21 U.S.C. 621.

These findings demonstrate your failure to adhere to the regulatory requirements of the humane handling and slaughter of livestock, as required by the Federal Meat Inspection Act, 21 U.S.C. 603 (b) and the Humane Methods of Slaughter Act, and the regulations promulgated thereunder.

Based on the above findings and your failures to meet statutory and regulatory requirements for the humane handling and slaughter of livestock, and in accordance with Title 9 CFR 500.3(b), FSIS is suspending the assignment of inspectors and withholding the marks of inspection for the slaughter operations at your establishment. This letter confirms the verbal notification of the suspension of the assignment of inspectors for the slaughter operations that FSIS provided to your establishment on November 20, 2019.

The suspension of the assignment of inspectors will remain in effect until such time as you can proffer to the FSIS, Alameda District Office, adequate written assurances including corrective actions and preventative measures to assure that livestock at your establishment are handled and slaughtered humanely, in accordance with the FMIA, The Humane Methods of Slaughter Act, and regulations promulgated thereunder.

In addition, failure to respond to this Notice of Suspension and failure to assure that animals at your establishment are handled and slaughtered humanely in accordance with the statutory and regulatory requirements may result in further administrative enforcement actions.

In accordance with Title 9 CFR 500.5(a)(5), you may appeal this action by contacting:

U.S. Department of Agriculture
Food Safety and Inspection Service
Attention: Paul Wolseley
Acting 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:

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, PP3, Cubicle 9-235A
1400 Independence Avenue, SW
Washington, DC 20250
Voice: (202) 418-8872
Fax: (202) 245-5097

If you have any questions, please call the Alameda District Office at (510) 769-5712.

Sincerely,

/s/ Frank Gillis, DDM
(for)

Yudhbir Sharma, DVM
District Manager

cc:

A. Amin, DDM
S. Beckett, DDM
V. Felix, DDM
F. Gillis, DDM

(b) (6)

A large black rectangular redaction box covers the names and titles of several individuals in the distribution list.

P. Wolseley, Acting EARO
S. Baucher, IEA, RD
USDA IIC, Est. M6482
FO/QR