



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations

Atlanta District Office

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Suite 3R90
Atlanta, GA. 30303
Phone: 404-562-5900
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Toll Free:
800-282-7005

Certified mail

September 17, 2019

Ms. Jennifer McAbee, Owner
Foster's Meats, Inc
Est. MP46081
143 Christopher St.
Duncan, SC 29334

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Ms. McAbee:

On September 10, 2019 the Food Safety and Inspection Service (FSIS) issued a Notice of Reinstatement of Suspension (NOROS) withholding the marks of inspection and suspending the assignment of slaughter inspection program personnel for livestock slaughter at Foster's Meats, Inc., Est. 46081, 143 Christopher St. Duncan, SC 29334. This action was based on your establishment's failure to handle livestock humanely according to 9 CFR Part 313.

On September 12, 2019, you submitted written corrective actions and preventive measures to meet the requirements of the Humane Methods of Slaughter Act. The cause of the incident was determined to be due to improper shot placement with the .45 caliber handgun when stunning the hog because the employee did not know how to properly use the new firearm, and the employee did not use two hands to hold and support the firearm when stunning the hog. Proffered corrective actions included having the stunning employees retrained by a firearms instructor for correct grip, sight alignment and trigger control when using the Springfield XD's .45 ACP handgun.

On September 12, 2019, you were notified by FSIS that your corrective actions were inadequate and needed further clarification and supporting documentation. You were asked to provide a copy of the record from the firearm instructor that your employees were retrained in correct grip, sight alignment and trigger control when using the Springfield XD's .45 ACP; and to provide documents to support that your employees knew how to properly operate all the firearms

NOTICE OF SUSPENSION HELD IN ABEYANCE

Ms. Jennifer McAbee, Owner
Foster's Meats, Inc., Est. M46081
September 17, 2019
Page 2

(Ruger .22 WMR, Taurus 9mm and Springfield XDs .45) being used at the facility to stun livestock.

On September 17, 2019 you submitted additional corrective actions. The corrective actions were reviewed by FSIS. You provided a copy of the record from the firearm instructor that your employees were retrained in correct grip, sight alignment and trigger control when using the Springfield XDs .45 ACP; and you provided documents to support that your employees knew how to properly operate all the firearms (Ruger .22 WMR, Taurus 9mm and Springfield XDs .45) being used at the facility to stun livestock.

On September 17, 2019 you were verbally notified by FSIS that the NOROS was being placed in abeyance and that a Notice of Suspension Held in Abeyance (NOSHA) and a Verification Plan (VP) would be issued.

Please be further advised that this suspension of inspection at your establishment will remain in abeyance pending verification by FSIS that your proposed corrective actions and preventive measures have been implemented and are effective in ensuring future regulatory compliance and preventing the inhumane treatment of animals. Agency personnel will begin immediate verification of your corrective actions and preventive measures.

A copy of the FSIS Verification Plan is attached to assist you in understanding the nature and importance of the agency's verification activities. The FSIS Verification Plan is designed to verify that your establishment fully implements the revisions to its humane handling of animals and other corrective actions stated in your responses, and that these revisions and corrective actions are effective in ensuring future regulatory compliance. The FSIS Verification Plan identifies your corrective actions, the regulatory requirement(s), and the PHIS Task under which FSIS officials will verify the implementation and effectiveness of your proposed action plan.

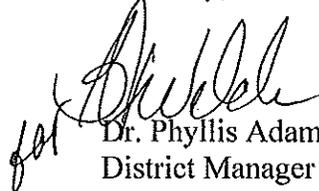
Please be reminded that as a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate actions to prevent the inhumane handling of animals. It is important for you to understand that FSIS has the responsibility to initiate action if your establishment fails to operate in accordance with the regulations, or conditions occur that do not comply with the Humane Methods of Slaughter Act. Please be advised that failure to comply with these regulatory requirements or failure to effectively implement your proposed corrective and preventive actions addressed in the prior Notice of Suspension Held in Abeyance (NOSHA) dated August 30, 2019, could result in the immediate suspension of inspection at your establishment or other appropriate action.

If you have any questions, please contact the Atlanta District Office at 404-562-5900.

NOTICE OF SUSPENSION HELD IN ABEYANCE

Ms. Jennifer McAbee, Owner
Foster's Meats, Inc., Est. M46081
September 17, 2019
Page 3

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

(b) (6)

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

(b) (6)

Establishment Name: Foster's Meats, Inc

Establishment Number: 46081 M/P

September 17, 2019

Week ending: _____

Verification is defined as those activities, other than monitoring, that determines the validity of the Humane Handling system is operating according to the plan. On September 10, 2019, Establishment 46081 M/P was issued a Notice of Reinstatement of Suspension (NOROS) for failure to meet 9 CFR 313 of the regulations. On September 17, 2019 Establishment 46081 M/P was issued a Notice of Suspension Held in Abeyance (NOSHA). This verification plan is designed to verify the corrective actions that were submitted in response to the NOS

These procedures will be performed as specified in the verification plan or daily until further notice. These tasks can be performed as an unscheduled task, if the task is not scheduled on the Daily Procedure Schedule. Review all new forms and records to verify procedures are being conducted at the specified frequency and meeting all requirements of 9 CFR 313. After completion, send this report on a Bi-weekly basis to the District Case Specialist and the District Veterinary Medical Specialist for review.

Complete this report once every two (2) weeks.

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Items to Verify	Results of Verification Acceptable (A) or Unacceptable (U)	Inspection Actions. List actions taken if Unacceptable
1. When the establishment uses a firearm to stun livestock, verify by direct observation that one of the following firearms is used: Ruger .22 wmr (.22 magnum) revolver Taurus PT 609, 9mm pistol Springfield XP .45 ACP pistol (each day a firearm is used to stun livestock)		
2. Verify by direct observation &/or record review that establishment employee uses two hands to hold the firearm while stunning the livestock. (each day a firearm is used to stun livestock)		
3. Verify by direct observation &/or record review stunning effectiveness (1 st stun) of all		

livestock. (each day of livestock slaughter)		
4. Verify by direct observation &/or record review that the stunner applies a security knock to hogs & cattle (each day of livestock slaughter)		
5. Verify by direct observation &/or record review that hogs are properly restrained until the security knock is applied. (each day of hog slaughter)		
6. Verify by record review that the establishment conducts monthly retraining of employees in proper shot placement for captive bolt & firearms. (monthly)		
7. Verify by record review that establishment employees are retrained in electric stunning prior to using electric to stun hogs. (the establishment is to provide the DVMS with a copy of the training prior to using electric) (Once)		
8. Verify by direct observation &/or record review that establishment personnel use the appropriate device for stunning hogs based on weight of the animal: <u>0 to 100 lbs.:</u> electric, .22 mag, or 9mm <u>100 to 200 lbs.:</u> 9mm or .45 (electric can be used after the security knock to control muscle spasm) <u>200 lbs. and up:</u> .45 (electric can be used after the security knock to control muscle spasm) (each day of hog slaughter)		

COMMENTS AND RECOMENDATIONS

Two Week Period Ending -

Comments:

Continue Verification Process: Yes/No

No Further Action/ Close with a Letter of Warning: Yes/No

Signature of IIC: