



United States Department of Agriculture

Food Safety and  
Inspection Service

Office of Field  
Operations

Atlanta District Office

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**Certified mail**

August 30, 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 August 22, 2019 the Food Safety and Inspection Service (FSIS) issued a Notice of Suspension (NOS) 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 August 27, 2019, you submitted written corrective actions and preventive measures in an effort to meet the requirements of the Humane Methods of Slaughter Act. The cause of the incident was determined to be due to the improper shot placement of a 9mm handgun when stunning the hog, using the wrong caliber of hand gun and removing the hog to quickly from the stunning restraints. Your proffered corrective actions included; retraining establishment personnel in proper shot placement when using a captive bolt or firearm, conduct quarterly retraining of establishment employees on proper shot placement, replacing the 9mm caliber hand gun with a .357 or a .45 caliber hand gun, using a security knock on all pork and beef, not releasing a hog from the restraining device until the security knock is applied, and installing a tarp over the stun chute to help calm the animals.

On August 27, 2019, you were notified by FSIS that your corrective actions were inadequate and needed further clarification. Based on the history of improper stunning at your establishment it was determined that the frequency of quarterly retaining of establishment personnel was inadequate. You were asked to provide; a copy of the material and records documenting the retraining of employees in proper shot placement; a copy of the record that will be used to

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document monitoring of: stunning effectiveness for all animals; application of a security knock on all hogs and cattle; proper restraint of hogs until the security knock is applied; and the stun to stick interval of approximately 1.5 minutes.

On August 27, 2019, you submitted additional corrective actions. The corrective actions were reviewed by FSIS and August 28, 2019 you were notified that the corrective actions were inadequate and needed further clarification. There were no records documenting the retraining of establishment personnel in proper shot placement for captive bolt or firearm stunning of livestock. The copy of the record provided indicated that a security knock was going to be used on all animals and not just hogs and cattle as your corrective actions indicated. The copy of the record provided did not represent monitoring of restraining hogs until the security knock was applied. The stunning methods listed did not properly address the changes that were going to be implemented to your program including the use of a .357 or .45 caliber firearm. The use of an electric stunner should be removed from your humane handling program because it has not been used in over one year because it is broken. The frequency of monthly retraining of establishment personnel in proper stunning procedures for captive bolt or firearm was determined to be adequate.

On August 28, 2019, you notified FSIS that the electric stunner was at the shop for repair and that once it was returned to the plant it would be used to stun hogs. You provided a copy of the records that would be used to document the monitoring of stunning effectiveness of the first stun using a captive bolt or firearm applied to all animals, application of the security knock to hogs and cattle, restraint of hogs until the security knock is applied, and the stun to stick interval.

On August 28, 2019, FSIS notified you that your proffered corrective actions were still inadequate. You were notified that since you were going to use electric stunning you needed to provide a copy of the material that would be used to retrain establishment employees in the proper methods of electric stunning and a record documenting retraining. You did not submit a record documenting the retraining of employees in proper shot placement when using a captive bolt or firearm for stunning. You need to provide clarification regarding the selection and use of stunning equipment for hogs.

On August 29, 2019 you submitted additional corrective actions. The corrective actions were reviewed by FSIS. You provided a copy of the records documenting retraining of establishment employees in proper shot placement when using a captive bolt or firearm for stunning. You provided clarification regarding the selection and use of stunning equipment for hogs to include: 0 to 100 lb. hog, use of electric stunning, .22 magnum or 9mm; 100 to 200lb. hog, using a 9mm or a .45 caliber firearm and can use electric after the security knock to control muscle spasm; 200 lb. and up, using a .45 caliber firearm and can use electric after the security knock to control muscle spasm.

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August 30, 2019, you were notified via telephone by FSIS that the corrective actions appeared to be adequate except they did not include a copy of the material used to retrain and document retraining of establishment employees for electric stunning. You informed FSIS that you could not retrain your employees until the electric stunner was returned to the establishment from being repaired. FSIS notified you that prior to implementing the use of electric stunning you had to submit a copy of the material used to retrain and document retraining of establishment employee in the proper methods of electric stunning. You agreed to do this.

On August 30, 2019 you were verbally notified by FSIS that the NOS 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 March 14, 2019 and in your current responses dated April 2, 9 and 10, 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.

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Sincerely,



Dr. Phyllis Adams  
District Manager

cc: Philip 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**

**August 30, 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 August 22, 2019, Establishment 46081 M/P was issued a Notice of Suspension (NOS) for failure to meet 9 CFR 313 of the regulations. On August 30, 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.

<b>Items to Verify</b>	<b>Results of Verification Acceptable (A) or Unacceptable (U)</b>	<b>Inspection Actions. List actions taken if Unacceptable</b>
1. Verify by direct observation that a tarp is placed over the stunning chute. (one-time verification)		
2. Verify by direct observation &/or record review stunning effectiveness (1 <sup>st</sup> stun) of all livestock. (each day of livestock slaughter)		
3. Verify by direct observation &/or record review that the stunner applies a security knock to hogs & cattle (each day of livestock slaughter)		
4. Verify by direct observation &/or record review that hogs are properly restrained until the		

security knock is applied. (each day of livestock slaughter)		
5. Verify by record review that the establishment conducts monthly retraining of employees in proper shot placement for captive bolt & firearms. (monthly)		
6. 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)		
7. Verify by direct observation &/or record review that establishment personnel use the appropriate device for stunning hogs based on weight of the animal: 0 to 100 lbs.: electric, .22 mag, or 9mm 100 to 200 lbs.: 9mm or .45 (electric can be used after the security knock to control muscle spasm 200 lbs. and up: .45 (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:**