



United States  
Department of  
Agriculture

Food Safety  
and Inspection  
Service

Field  
Operations

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

January 30, 2015

**ORIGINAL SENT VIA UPS NEXT DAY AIR  
DELIVERY CONFIRMATION REQUESTED**

Mr. Michael Redlinski, President/General Manager  
**Paul Redlinski & Sons Inc. (M 18870/P-18870)**  
19 Seinkiewicz Place  
Buffalo, NY 14216

### **NOTICE OF SUSPENSION**

Dear Mr. Redlinski,

This letter confirms verbal notification by Dr. Jaspreet Gill, Deputy District Manager (DDM), to Mr. Frank Dispenza, Plant Manager, at approximately 09:46 am on January 30, 2015, of the Food Safety and Inspection Service's (FSIS) decision to suspend the assignment of FSIS Inspection Program Personnel (IPP) at your establishment, **Paul Redlinski & Sons Inc. (M 18870/P-18870)**, located in Buffalo, NY. This action includes the Fully Cooked Not Shelf Stable Hazard Analysis Critical Control Point (HACCP) and Raw Non-Intact processes employed at your firm. FSIS is taking this action in accordance with the Rules of Practice, Title 9 of the Code of Federal Regulation (9 CFR) 500.3(a)(4).

### **Background Authority**

The FMIA [21 U.S.C. § 601 *et seq.*] and the PPIA [21 U.S.C. § 451 *et seq.*] provides that it is essential for the public interest that the health and welfare of consumers be protected by assuring that meat products distributed to them are wholesome; not adulterated; and properly marked, labeled, and packaged. The Acts gives FSIS the authority, as designated by the Secretary of the Department of Agriculture, to prescribe rules and regulations describing sanitation requirements for inspected establishments. They also provide FSIS program personnel the authority to refuse to allow meat and meat food products to be labeled, marked, stamped, or tagged as "inspected and passed" and to prevent the entry of products into commerce when the sanitary conditions of any establishment are such that products are adulterated and provide definitions for the term "adulterated." Furthermore, the Acts provide FSIS the authority to appoint inspectors from time to time to examine and inspect products, including the sanitary conditions of facilities.

The Acts also give FSIS program personnel the right to examine and inspect all carcasses and parts of carcasses that are further treated and prepared and the right to access and examine establishment records. When the sanitary conditions of a facility are not properly maintained, FSIS can refuse inspection and indefinitely withdraw inspection from an establishment provided the establishment is afforded the right to an administrative hearing.

Under the authority of the FMIA and PPIA, FSIS has prescribed rules and regulations required for establishments producing meat and poultry products, including the requirements pertaining to sanitation and Hazard Analysis and Critical Control Point (HACCP) (9 CFR Part 416 and Part 417) and other matters. FSIS has also developed Rules of Practice regarding enforcement (9 CFR Part 500). The Rules of Practice describe the types of enforcement action that FSIS may take and include procedures for taking a withholding action and/or suspension, with or without prior notification, and for filing a complaint to withdraw a Grant of Federal Inspection.

### **Findings/Basis for Action**

At approximately at 0835 hours on January 30, 2015, the FSIS Consumer Safety Inspector (CSI) arrived for inspection duties and observed evidence of rodent infestation while performing an Operational Sanitation Inspection task according to the Sanitation Standard Operating Procedures (SSOP). After these observations were made, the CSI informed you of the observations, retained product and took a regulatory control action stopping production at your establishment. Subsequent to the observation and actions taken, an Enforcement, Investigation, and Analysis Officer (EIAO), was dispatched to perform a facility review and identified insanitary conditions and collected evidence that supports a Notice of Suspension.

The facility houses two coolers, one utilized to hold raw product and the other cooler utilized to hold and chill Ready-to-Eat product after it is processed under federal inspection. Rodent infestation (approximately 75-100 droppings total) was observed in various locations throughout the facility including but not limited to:

#### *Processing Area:*

- Along the wall next to the smokehouses,
- In front of the smokehouse and coolers,
- In the processing room,
- In the spice room
- Inside box of bologna spice,
- In boiler room,
- The entranceway into the facility,
- In the USDA office.

A regulatory control action was taken on all exposed products in process and storage with retain Tag No. B40182285 (14 totes, lugs and stainless steel bowls of raw pork meat and beef tongues), Retain Tag No. B40182277 (3- 30# boxes of fresh sausage). Retain Tag No. B40182284 (1-truck Kabanasa sausage, 1- truck polish sausage) all totaling 100 lbs.

In addition, FSIS personnel identified structural issues as identified as follows:

- Holes in the exterior walls of your facility providing a potential entry point for rodents leading into your smokehouse area. You were verbally notified of the location of each exact location.

- On top of coolers there is unused equipment, including bags of spice material located on top of cooler located in the smokehouse area of the facility. Such conditions can provide a rodent harborage or attractant.

Based on these findings, you failed to prevent insanitary conditions based on rodent activity. Rodent droppings and evidence of entry points have been observed in and around your facility. The issues identified above clearly demonstrate a failure of your pest control program and the observations support that you have failed to prevent the entrance and harborage of rodents and failed to prevent the creation of insanitary conditions.

### **Summary**

The evidence demonstrates you have failed to properly maintain your facilities in accordance with Sanitation Performance Standards (SPS), **9 CFR Parts 416.1, 416.2(a), 416.2(b)(1), 416.2(b)(3) and 416.4(d)**, and failed to prevent product contamination in accordance with **9 CFR 310.18 and 416.4(d)**. The wholesomeness of your product is directly dependent on the design and implementation of a pest management system, including the sanitary procedures conducted in your food production. Insanitary conditions create an environment conducive to the contamination and adulteration of products.

Based on the evidence of rodents entering your facility and findings of rodent infestation, FSIS concludes that you are not maintaining sanitary conditions within your facility. Thus, it cannot be ascertained that meat and poultry products produced at your establishment are not adulterated, as they have been prepared, packed or held under insanitary conditions, whereby they may have become contaminated with filth, or whereby they may have been rendered injurious to health as defined in the FMIA 21 U.S.C. 601 Section 1(m)(4).

Rodents contaminate the environment with urine and excrement. They carry fleas and worms and spread diseases including *Yersinia pestis* (bubonic plague), spirochetal jaundice, *Leptospirosis*, rabies, *Streptobacillus moniliformis* (rat-bite fever), Hantavirus, *Salmonella*, and *Francisella tularensis* (tularemia). Since employees access the affected areas of your establishment, it is reasonable to conclude that footwear can become mechanical vectors for potential cross contamination of diseases introduced into the processing area where product is handled and exposed to the environment. In addition, employees that handle contaminated packaging materials and exposed products with their hands may also provide avenues for cross-contamination of products.

In the interest of protecting public health in accordance with 9 CFR Part 500.3(a)(4), FSIS is notifying you of the decision to withhold the marks of inspection and suspend the assignment of inspectors at your establishment. The suspension will remain in effect until you provide adequate written corrective and preventive measures to assure FSIS that you can demonstrate a program that meets the requirements of the SPS regulations outlined in 9 CFR 416. This includes measures in preventing the entrance, harborage, and breeding of rodents and pests in and around your facility, restoration of sanitary conditions, disposition of product determined contaminated and all applicable regulations required as a federal operator of an establishment that manufactures meat and poultry products.

In order to resume inspection operations, you must submit corrective actions to the Philadelphia District Office. In addition, your written response should include your proposed disposition of any affected products already produced and stored in your establishment, including any ingredients or packaging materials, to ensure they are not adulterated as a result of this rodent issue.

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 production of adulterated products at your establishment. Please be advised you have the right to appeal this matter. If you wish to appeal you should contact:

Executive Associate for Regulatory Operations  
Office of Field Operations  
Food Safety and Inspection Service  
United States Department of Agriculture  
1400 Independence Ave. S.W.  
Room 3157, South Building  
Washington, DC 20250-3700  
Telephone (202) 720-3697  
Fax: (202) 690-3287

You may also request a hearing regarding this decision as per 9 CFR 500.5(d) by contacting:

Director  
Enforcement and Litigation Division (ELD)  
Office of Investigation, Enforcement and Audit (OIEA)  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 3753, PP3, Cubicle 8-235A  
1400 Independence Avenue, SW  
Washington, DC 20250  
Telephone: (202) 418-8872  
Facsimile: (202) 245-5097

We urge your cooperation and voluntary compliance. If you have any questions regarding this matter, please feel free to contact Mr. (b) (6) at (585) 330-(b) (6) or by email at (b) (6) @fsis.usda.gov.

Sincerely,



Ms. Susan G. Scarcia  
District Manager  
Philadelphia District Office

cc:

FSIS - FO/Quarterly Enforcement Report

Dr. Jerry Elliott, Director, CID, FSIS, OIEA Washington, DC

Mr. James Borda, RD, FSIS, OIEA Philadelphia, PA

Ms. Susan Scarcia, DM, FSIS, OFO, Philadelphia District Office.

Mr. Michael Osifat, DDM, FSIS, OFO, Philadelphia District Office.

Dr. Larry Davis, DDM, FSIS, OFO, Philadelphia District Office

(b) (6) FSIS OFO, Philadelphia District Office

(b) (6) FSIS, OFO, Philadelphia District Office

(b) (6) FDA, New York District

(b) (6) FSIS, OFO, Philadelphia District Office

(b) (6) OFO, Philadelphia District Office

(b) (6) FSIS, OFO, Philadelphia District

(b) (6) FSIS, OFO, Philadelphia District

(b) (6) FSIS, OFO, Philadelphia District

IIC/CSI, Establishment M18870/P-18870

Official Files Establishment Folder – Est. M18870/P-18870

FSIS:FO:(b) (6) 1/30/15