



Food Safety and  
Inspection Service

July 2, 2019

Office of Field Operations

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

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

Mr. Andrew Pudliner, President  
**Pudliner Packing (Est. 4999)**  
167 Norton Road  
Johnstown, PA 15906

**REINSTATEMENT OF SUSPENSION HELD IN ABEYANCE**

Dear Mr. Pudliner,

This letter confirms verbal notification to Plant Manager Mr. Andrew Pudliner, President, at 1:20 P.M., on July 2, 2019, by Mr. Michael Osifat, Deputy District Manager (DDM), Philadelphia District Office, of our decision to place the Reinstatement of Suspension (ROS), issued to you on June 26, 2019, into abeyance. FSIS is providing you with this Reinstatement of Suspension Held in Abeyance (ROSHIA) based on your proposed corrective actions and preventive measures. FSIS determined that the suspension action will be placed in abeyance and the assignment of Inspection Program Personnel (IPP) will resume, pending FSIS verification of the adequacy of your humane handling program in achieving regulatory compliance. FSIS will be verifying your actions to ensure that you effectively implement the proffered corrective actions and preventive measures. This letter provides you with the chronology of events and conclusions, including your responsibilities as a federally inspected establishment.

The Establishment was under a NOSHIA for an NOS that occurred on July 31, 2018. On June 26, 2019, FSIS issued a Reinstatement of Suspension (ROS) to withhold the marks of inspection and suspend the assignment of inspectors for your slaughter operation. This action was initiated in accordance with Title 9 of the Code of Federal Regulation (9 CFR) Part 500.3(b), after FSIS determined that your establishment failed to handle animals humanely, in violation of the Federal Meat Inspection Act (FMIA) [21 U.S.C 603] and 9 CFR 313.16 and 313.15.

In response to the suspension, you submitted written corrective actions and preventive measures on July 1, 2019. FSIS requested clarification of your first response and you submitted further corrective actions on July 2, 2019.

**Your Corrective and Preventive Measures are:**

1. If the stunning employee determines that an animal to be stunned is in distress when it enters the stunning area (alley or stun pen), a second employee will be present with a .22 rifle as backup if needed.
2. Employees will be re-trained on stunning, using documents by Dr. Temple Grandin, 2014.
3. Monitoring of 50% of the cattle stunned will be documented for each slaughter day the first month, then of 25% each slaughter day thereafter.

FSIS inspection personnel have designed a Verification Plan (VP) and will use it to monitor and verify that you have effectively implemented your proposed actions. The VP identifies your corrective actions from your responses submitted to FSIS, the relevant regulatory requirements, the tasks FSIS will use to conduct verification activities, and the time frames that you identified. While these verification activities are targeted to your plant's animal handling, FSIS personnel will continue to ensure all humane handling/stunning regulatory requirements of 9 CFR Part 313 are in regulatory compliance. A copy of the VP is attached as a reference to assist you in understanding Agency verification activities.

Carried forward to this Verification Plan for the Reinstatement of Suspension Held in Abeyance are the unfinished Corrective and Preventive Measures from the Notice of Suspension Held in Abeyance of August 2, 2018.

As an operator of a federally inspected facility, we expect you to comply with FSIS regulations and to take appropriate correctives action when either the establishment or FSIS identifies regulatory noncompliance. FSIS has the responsibility to initiate regulatory control or other appropriate action if your establishment fails either to operate in accordance with the regulations or to operate under sanitary conditions. A final decision relative to this enforcement action will be determined based on your establishment's ability to execute and comply with your proffered corrective actions and all applicable regulatory requirements. Your establishment's failure to meet the conditions of this abeyance may result in additional regulatory and/or administrative actions in accordance with the Rules of Practice 9 CFR Part 500.

If you have any questions, please contact Mr. Michael Osifat, Deputy District Manager via email at [michael.osifat@fsis.usda.gov](mailto:michael.osifat@fsis.usda.gov) or by phone at (215)-430-6218.

Sincerely,

MICHAEL OSIFAT Digitally signed by MICHAEL OSIFAT  
Date: 2019.07.02 14:23:30 -0400'

Dr. Lynda E. Lilyestrom  
District Manager  
Philadelphia District Office

**Pudliner Packing (Est. 4999)**  
**Verification Plan**  
**July 2, 2019**

ESTABLISHMENT ACTION PLAN	REGULATION	HUMANE HANDLING VERIFICATION CATEGORY	FREQUENCY
1. If the stunning employee determines that an animal to be stunned is in distress when it enters the stunning area (alley or stun pen), a second employee will be present with a 22 rifle as backup if needed.	9 CFR 313.15 and 9CFR 313.16	Category VIII Stunning Effectiveness	Confirm at each slaughter.
2. Employees will be re-trained on stunning, using documents by Dr. Temple Grandin.	9 CFR 313.15 and 9CFR 313.16	Category VIII Stunning Effectiveness	Confirm by observation or documentation prior to the reinstatement of slaughter.
3. Monitoring of 50% of the cattle stunned will be documented for each slaughter day the first month, then of 25% each slaughter day.	9 CFR 313.15 and 9CFR 313.16	Category VIII Stunning Effectiveness	Confirm by observation or documentation at each slaughter.
4. A pen and gate will be re-constructed to hold market hogs, so their heads stay stationary for accurate stunning. Market hogs will not be slaughtered until the new restraint is operational and verified by USDA Inspection Personnel.	9 CFR 313.15 and 9CFR 313.16	Category VIII Stunning Effectiveness	Confirm by observation and documentation weekly.
5. When slaughter of market hogs begins again, monitoring by Management of 75% of the hogs slaughtered the first month and 50% of the hogs slaughtered for the next two months will be documented for each slaughter. The date, stunning equipment used, and outcome will be documented, initialed by the observer.	9 CFR 313.15 and 9CFR 313.16	Category VIII Stunning Effectiveness	Confirm by documentation weekly.

**Inspection Program Personnel will perform humane handling verification every slaughter operation day to verify the adequacy and effectiveness of the establishment's compliance with the humane handling regulatory requirements of 9 CFR Part 313. Inspection Program Personnel will ensure all humane handling/stunning regulatory requirements comply daily on each slaughter day, regardless of the stunning method. Inspection Program Personnel will review all monitoring, verification and corrective action records to verify procedures are being conducted as prescribed and at the specified frequency.**

Cc:

FSIS - FO/Quarterly Enforcement Report

Ms. Jessica Pulz, EARO, FSIS, OFO, Washington, DC

Mr. Mark Crowe, Director, CID, FSIS, OIEA Washington, DC

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

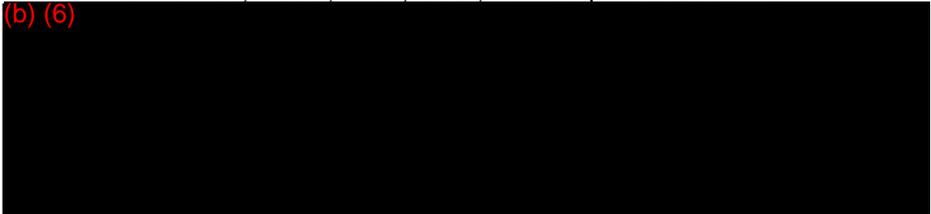
Dr. Linda Lilyestrom, DDM, FSIS, OFO, Philadelphia District Office

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

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Official Files Establishment Folder – Est. 4999

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