



Food Safety and
Inspection Service

August 13, 2020

Office of Field Operations

**ORIGINAL VIA FED EX 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

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Pudliner,

This letter confirms verbal notification to Plant Manager Mr. Andrew Pudliner Sr, President, at 10:40am on August 13, 2020, by Mr. Michael Osifat, Deputy District Manager (DDM), Philadelphia District Office, of our decision to place the Notice of Suspension (NOS), issued to you on August 11, 2020, into abeyance. FSIS is providing you with this Notice of Suspension Held in Abeyance (NOSHIA) 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.

In response to the suspension, you submitted written corrective actions and preventive measures on August 11, 2020. FSIS requested clarification of your response and you submitted further corrective actions on August 12 and 13.

Your Proffered Corrective and Preventive Measures are (but not limited to):

1. Removal of the .22 magnum rifle and ammunition from production.
2. Usage of .410 shotgun to stun all bovines with a 20-gauge shotgun as the backup stunning device
3. A new storage container for ammunition will be acquired and Silicone Gel adsorption pouches to eliminate moisture will be utilized
4. Pudliner Packing will select one skull each slaughter day to split to determine effectiveness of stun and for continuous training for the stunner.

5. The weapon and ammunition conditions will be reviewed daily and recorded on the Firearm Inspection form.
6. The effectiveness of the stunning will be recorded on the Kill Floor Daily Log
7. The splitting of the heads will be recorded on the splitting of head form

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.

As an operator of a federally inspected facility, we expect you to comply with FSIS regulations and to take appropriate corrective 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@usda.gov or by phone at (215)-430-6218.

Sincerely,

MICHAEL OSIFAT
Digitally signed by MICHAEL OSIFAT
Date: 2020.08.13 11:17:15 -04'00'

Dr. Lynda Lilyestrom
District Manager Philadelphia District Office

**Pudliner Packing (Est. 4999) Verification Plan
August 13, 2020**

ESTABLISHMENT ACTION PLAN	REGULATION	HUMANE HANDLING VERIFICATION CATEGORY	FREQUENCY
Removal of .22 magnum rifle and ammunition from production	9 CFR 313.16	Category VIII – Stunning Effectiveness.	Once upon implementation- August 13, 2020 or the first day of bovine slaughter resumption
Usage of .410-gauge shotgun to stun all bovines 20-gauge shotgun will be used as a backup device in stunning bovines	9 CFR 313.16	Category VIII – Stunning Effectiveness.	Once upon implementation- August 13, 2020 <u>and</u> each day in which Bovine are slaughtered
A new storage container for ammunition will be acquired and Silicone Gel adsorption pouches to eliminate moisture will be utilized	9 CFR 313.16	Category VIII – Stunning Effectiveness.	Once upon implementation- August 13, 2020 or the first day of bovine slaughter resumption
Pudliner Packing will select one skull each slaughter day to split to determine effectiveness of stun and for continuous training for the stunner and recorded on the splitting of head form/”Log of Animal Kills”	9 CFR 313.16	Category VIII – Stunning Effectiveness.	Once upon implementation- August 13, 2020 <u>and</u> each day in which Bovine are slaughtered
The weapon and ammunition conditions will be reviewed daily and recorded on the Firearm Inspection Form	9 CFR 313.16	Category VIII – Stunning Effectiveness.	Once upon implementation- August 13, 2020 <u>and</u> each day in which Bovine are slaughtered
The effectiveness of the stunning will be recorded on the Kill Floor Daily Log	9 CFR 313.16	Category VIII – Stunning Effectiveness.	Once upon implementation- August 13, 2020 <u>and</u> each day in which Bovine are slaughtered

***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 are met 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.**

***Please notify the Frontline Supervisor (FLS) and the District Veterinary Medical Specialist (DVMS) if there is any change in the establishment's corrective action or preventive measures. The verification plan will then be modified appropriately.**

CC:

FSIS - FO/Quarterly Enforcement Report

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

Ms. Geraldine French, EARO, FSIS, OFO, Washington, DC

Mr. Joseph Priore, RD, FSIS, OIEA, Northeast Region

Dr. Lynda Lilyestrom, DM, FSIS, OFO, Philadelphia District Office

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

Mr. Joseph Schein, DDM, FSIS, OFO, Philadelphia District Office

Mr. Sal Ibrahim, DDM, FSIS, OFO, Philadelphia District Office

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