



Food Safety and
Inspection Service

Raleigh District Office

6020 Six Forks Road
Raleigh, NC. 27609
Voice: 919-844-8400
Fax: 844-839-6360

December 10, 2020

EMAIL/COURIER

Mr. Beverly Eggleston, Owner/President
EcoFriendly Foods, Est. M21938
3397 Stoneyfork Rd.
Moneta, VA 24121

NOTICE OF REINSTATEMENT OF SUSPENSION

Dear Mr. Eggleston,

This letter confirms the verbal notification given to you on December 10, 2020, at approximately 9:10am, by the Food Safety and Inspection Service (FSIS) Inspection Program Personnel (IPP) of the reinstatement of suspension of the assignment of inspectors for slaughter operations at EcoFriendly Foods, Est. M21938, herein after referred to as “your establishment.” This action was initiated in accordance with Title 9 of the Code of Federal Regulations (9 CFR) 500.3, after FSIS determined that your establishment failed to slaughter and handle animals humanely.

Background/Authority

The Federal Meat Inspection Act (FMIA) (Title 21 of the United States Code {21 U.S.C.} 603 et seq.) provides that for the purpose of preventing the inhumane slaughtering of livestock, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the methods by which cattle, sheep, swine, goats, horses, mules, or other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this Act. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause slaughtering to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishments by any method not in accordance with sections 1901 to 1906 of Title 7 until the establishment furnishes assurances, satisfactory to the Secretary, that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such a method.

The Humane Methods of Slaughter Act of 1978 (7 U.S.C. 1901 et seq.) provides that Congress finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce. It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

Findings/Basis for Suspension

At approximately 8:45am on Thursday, December 10, 2020, an establishment employee attempted to stun a market hog using a .22 Magnum revolver. Because the employee was using a firearm to stun the sow, Inspection Program Personnel (IPP) were in an adjacent room. IPP heard an initial stun attempt with the .22 Magnum revolver and opened the door to view the kill floor. IPP observed the hog was still conscious and standing in the knock box. IPP again retreated to the adjacent room, and per established procedure, the employee retrieved the backup .45 pistol and attempted a second stun of the hog. Following the second stun attempt, IPP heard the hog vocalize before opening the door and observing that the hog remained conscious and standing in the knock box. IPP retreated to the adjacent room as the employee attempted to stun the hog a third time using the same .45 pistol. Following the third stun attempt, IPP entered the kill floor and observed that the hog had been rendered unconscious. IPP examined the head of the sow and visualized three (3) separate bullet entry wounds, indicating that all three stun attempts struck the market hog. At approximately 8:50am, after consultation with the District Veterinary Medical Specialist (DVMS), IPP placed USDA Retain/Reject tag #A1714390 on the knock box in accordance with 9 CFR 313.50(c). The DVMS notified the establishment owner of the decision to reinstate the suspension of slaughter inspection at approximately 9:10am.

This incident represents a violation of 9 CFR 313.16 (a)(1) which states, in part, that “The firearms shall be employed in the delivery of a bullet or projectile into the animal in accordance with this section so as to produce immediate unconsciousness in the animal by a single shot before it is shackled, hoisted, thrown, cast, or cut.” This incident is considered egregious because there were multiple attempts to stun the animal. The establishment is currently operating under an Abeyance for a previous humane handling stunning incident; therefore, a reinstatement of suspension is being initiated.

The reinstated suspension action will remain in effect until you provide the Raleigh District Office with adequate written assurances, including corrective actions and further planned preventive measures, to assure that livestock at your establishment are slaughtered humanely. In order to resume inspected operations, you must submit corrective actions to my attention at the District Office. These corrective actions should include at a minimum the following:

1. Identify the assessment process used to determine the nature and cause of the noncompliances.
2. Identify what the assessment revealed as the likely cause of the system failure.
3. Describe the specific actions that will be taken to eliminate the cause of the failures.
4. Describe the future monitoring activities you will use to ensure that changes are implemented and are effective.

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 inhumane handling of livestock at your establishment. Please be advised that your failure to respond adequately to these issues may result in our initiating action to withdraw inspection from your establishment. Please also be advised that you have the right to appeal this matter.

In accordance with 9 CFR 500.5(a)(5), you may appeal this action by contacting:

Sherri N. Johnson
Acting Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Avenue, SW
Room 3130A, South Building
Washington, DC 20250
Phone: (202) 379-6196

In addition, you may also request a hearing regarding this determination pursuant to FSIS' Rules of Practice (9 CFR 500.). The rules of Practice were published in the Federal Register, Vol. 64, No. 228, on November 29, 1999. As specified in Section 500.5(d), should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing. If you wish to request a hearing regarding this determination, you should contact:

Scott C. Safian, Branch Chief
Enforcement Operations Branch
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
Stop Code 3753, PP3, Cubicle 9-235-A
1400 Independence Avenue, SW
Washington, D.C. 20250
Voice: (202) 418-8872
Fax: (202) 245-5097

It is our hope that this matter can be resolved quickly. If you have any questions, you may call me at 919-208-2945 or contact me via email at todd.furey2@usda.gov. You may also contact Dr. Arial Thompson, Deputy District Manager, at 919-208-2946. We urge your cooperation and voluntary compliance.

Sincerely,

ARIAL THOMPSON

for

Todd Furey
District Manager
Raleigh, NC

Digitally signed by ARIAL
THOMPSON
Date: 2020.12.10 12:55:21 -05'00'

cc:

P. Bronstein, AA/FO

H. Sidrak, DAA/FO

S. Johnson, Acting EARO/FO

S. Safian, ELD/OIEA

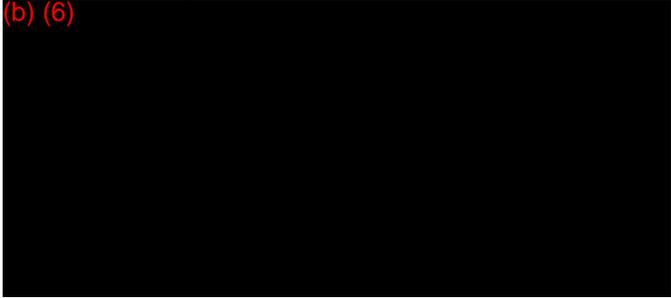
L. Hortert, RD/CID/OIEA

R. Murphy, DDM/RDO/FO

M. Roling, DDM/RDO/FO

A. Thompson, DDM/RDO/FO

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Quarterly Enforcement Report
Establishment File (Est. M21938)