



United States Department of Agriculture

Food Safety and Inspection  
Service  
Office of Field Operations  
Jackson District Office  
713 S Pear Orchard Rd,  
Plaza 2, Suite 402  
Ridgeland, MS 39157

September 29, 2020

**Via Email:**  
**marshall@homeplacepastures.com**  
**And FedEx Tracking**  
**# 7716 5982 2691**

Mr. Marshall Bartlett, Owner  
Home Place Pastures, Est. M45945  
1789 Home Place Rd  
Como, MS 38619

**NOTICE OF SUSPENSION**

Dear Mr. Bartlett:

On September 29, 2020, a "Notice of Suspension" was issued to suspend the assignment of inspectors for your federal slaughter activities at Home Place Pastures, 1789 Home Place Rd, Como, MS 38619, Est. M45945. This action was based on your establishment's failure to handle livestock humanely according to 9 CFR Part 313.

**Background/Authority**

The Federal Meat Inspection Act (FMIA) (21 U.S.C. 603 *et seq*) states, "*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 method by which amenable species 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 inspection 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 the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901-1906) 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.* This Act also gives FSIS 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.

Under the authorities of the Act, FSIS has prescribed rules and regulations required for establishments producing meat products, including the requirements pertaining to Humane Slaughter of Livestock (9 CFR Part 313) and other matters. Specifically, your establishment failed to meet the following regulatory requirement as specified by 9 CFR § 313.30(a)(4) which states, "*(a) Administration of electric current, required effect; handling. (4) The stunned animal shall remain in a state of surgical anesthesia*

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*through shackling, sticking, and bleeding;” and 9 CFR § 313.30(b)(3) which states, “(b) Facilities and procedures; operator- (3) Electronic current. Each animal shall be given a sufficient application of electric current to ensure surgical anesthesia throughout the bleeding operation. Suitable timing, voltage and current control devices shall be used to ensure that each animal receives the necessary electrical charge to produce immediate unconsciousness. The current shall be applied so as to avoid the production of hemorrhages or other tissue changes which could interfere with inspection procedures.”*

**Humane Methods of Slaughter Act:** Humane Methods of Slaughtering Act, 7 U. S. C. 1901 states, “*The 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 slaughtering operations; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors and consumers which tends 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 (7 U.S.C. 1901).”*

FSIS has prescribed Rules of Practice regarding enforcement (9 CFR Part 500). The Rules of Practice describes the types of enforcement actions that FSIS may take including 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. 9 CFR § 500.3 (b) states, “*FSIS also may impose a suspension without providing the establishment prior notification because the establishment is handling or slaughtering animals inhumanely.”*

### Findings/Basis for Action

On September 29, 2020, at 10:00 A.M CDT, IPP observed your kill floor employees effectively electrically head stun a hog inside the knock box. After your establishment’s stun employees attempted to let the hog out of the knock box to follow with the normal thoracic stun, the knock box door did not open. Because the knock box did not open, your establishment’s employees administered a stick to the hog to bleed the hog. During this time, your establishment’s employees found tools to open the knock box. Once out of the knock box, the hog regained consciousness, rose, and stood on all four feet and your kill floor employees immediately/effectively stunned the hog with the electrical stunner. You, Mr. Marshall Bartlett and kill floor employees were notified of the noncompliance to 9 CFR § 313.30(a)(4) Surgical anesthesia and 9 CFR § 313.30(b)(3) sufficient electrical current and a U.S. Rejected Tag No. B-45402493 was applied to the knock box to stop slaughter and the owner was notified.

On September 29, 2020, at approximately 11:45AM CDT, the DDM from the Jackson District Office, contacted you telephonically and informed you that the withholding action to suspend the federal slaughter activities at your facility was sustained. You are herein receiving written notification of the suspension of the assignment of inspectors for your federal slaughter activities with this letter.

The occurrence of this inhumane handling incident constitutes a violation of the humane slaughter requirements and supports a conclusion that your handling of livestock violated the provisions of 21 U.S.C. 603, Section 3 (b) of the FMIA, and 7 U.S.C. 1901 and 1902 of the Humane Methods of Slaughter Act of 1978. You failed to meet the regulatory requirements of 9 CFR § 313.30(a)(4) and 9 CFR § 313.30(b)(3). The suspension of the assignment of inspectors for federal slaughter activities will remain in effect until you provide written corrective actions and preventive measures to the Jackson District Office,

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to assure that the animals at your establishment will be handled humanely in accordance with the Humane Methods of Slaughter Act and regulations promulgated there under.

Please provide this office with a written response concerning this Notice of Suspension by addressing the following:

- Evaluate and identify the root cause of the incident.
- Explain the specific reason(s) why the event occurred.
- Describe the specific actions taken to eliminate the root cause of the incident.
- Describe specific planned actions that you will take to prevent future recurrences.

Please provide associated records that include monitoring and verification activities that your establishment will use to ensure that the changes made are effectively implemented. We will determine further action, if any, based on your response(s).

As a federally inspected establishment, you are expected to comply with 9 CFR § 313.30(a)(4) and 9 CFR § 313.30(b)(3) of the regulations and all other requirements concerning the humane slaughter of livestock. In accordance with 9 CFR § 500.3 (b), we are implementing a suspension of the assignment of inspectors for your federal slaughter activities due to inhumane handling. Establishment management should clearly understand the seriousness of repetitive humane handling violations which could lead to Agency actions, that could result in actions to withdraw the grant of inspection.

You may appeal this action by contacting:

### ***Geraldine French***

Executive Associate for Regulatory Operations  
Office of Field Operations  
Food Safety and Inspection Service, USDA  
Room 3161 South Building  
Washington, DC 20250  
Office: (202) 205-0001  
Mobile: (202) 430-3252

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

### **Mailing Address:**

Scott C. Safian, Branch Chief  
Enforcement Operations Branch  
Office of Investigation, Enforcement, and Audit  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 3753, PP3, Cubicle 9-235-A

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1400 Independence Avenue, SW

Washington, DC 20250

Fax Number: (202) 245-5097

Email: [AEBCorrespondence@USDA.GOV](mailto:AEBCorrespondence@USDA.GOV)

You are reminded that as an operator of a federally inspected establishment you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent the inhumane treatment of animals. We urge your voluntary cooperation and compliance.

If you have any questions regarding this matter, please contact the Jackson District Office at (601) 965-4312.

Sincerely,

**DAMON**

**RANFTLE**

Digitally signed by DAMON  
RANFTLE  
Date: 2020.09.29 14:13:28  
-05'00'

For: Larry A. Davis, DM  
District Manager  
Jackson District Office