



United States Department of Agriculture

Food Safety and
Inspection Service

March 2, 2021

Office of Field
Operations
Denver District Office

**SENT VIA FEDEX &
ELECTRONIC MAIL**

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Center, Bldg. 45
P.O. Box 25387
Denver, CO 80225

Dan Sheppick, Operations Manager
Carlton Packing Company, M9228
P.O. Box 580
Carlton, OR 97111
DanS@carltonfarms.com

Voice (303) 236-9800
Fax (303) 236-9794

NOTICE OF SUSPENSION

Dear Mr. Sheppick,

This letter confirms the verbal notification provided to your establishment, Carlton Packing Company, M9228, located in Carlton, OR, on Tuesday, March 2, 2021, by the Food Safety Inspection Service (FSIS), Denver District, of the suspension of the assignment of inspectors and the withholding of the marks of inspection at your establishment for slaughter operations. Dr. Robert Reeder, Deputy District Manager, verbally notified you of the suspension. This action was initiated in accordance with Title 21 of the United States Code (USC), Section 603(b) and Title 9 of the Code of Federal Regulations (CFR) Part 500.3(b) (Rules of Practice).

Background Authority

The Federal Meat Inspection Act (FMIA), 21 USC Section 603(b), provides for the purpose of preventing the inhumane slaughtering of livestock. The FMIA gives FSIS the authority, as designated by the Secretary of the Department of Agriculture, to prescribe rules and regulations describing examinations and inspections of the method by which cattle, sheep, swine, goats, horses, mules, and other equines are slaughtered in the establishments inspected under the FMIA. The FMIA also provides FSIS Program personnel the authority to suspend operations at a slaughtering establishment if FSIS 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 Humane Methods of Slaughter Act (HMSA) of August 27, 1958 (72 Statute 862; Title 7 USC, Sections 1901-1906), until the establishment furnishes FSIS with satisfactory assurances that all slaughtering and handling in connection with the slaughter of livestock shall be in accordance with such methods.

Under the authorities of these Acts, FSIS has prescribed rules and regulations required for the humane slaughtering of livestock, contained in Title 9 CFR Part 313. FSIS has

also developed Rules of Practice regarding enforcement prescribed in 9 CFR Part 500. The Rules of Practice describe the types of enforcement actions that FSIS may take and include procedures for taking a withholding action and or suspension, with or without prior notification, as well as the procedures for filing a complaint to withdraw a Grant of Federal Inspection.

Finding/Basis for Action

On Tuesday, March 2, 2021, the FSIS Supervisory Consumer Safety Inspector (SCSI) documented in a noncompliance record the following event at Est. M9228:

“At approximately 0620 hours: A Carlton Farms employee informed the Food Inspector (FI) and Supervisory Consumer Safety Inspector (SCSI) of a hog which stopped walking while in the alley to the electrical stun area.

0621 hours: FI accompanies the establishment employee to the alley where the hog is immobile and resting on hind quarters (i.e. in a dog sitting position). The FI observes that the hog is alert, breathing normal, aware of its surroundings and allows the establishment to perform a “Knock and Drag”.

0623 hours: The establishment employee arrived with a blue hand-held captive bolt device and without any restraint administered the first stun attempt to the hog. The FI heard vocal sounds from the hog and observed the animal remain in a sitting upright position with the head upright and moving in lateral directions looking at surroundings with eyes tracking. The establishment employee immediately vacated the alleyway where the hog was being stunned and goes into the designated stun area, approximately 20 feet away, to retrieve the green hand-held captive bolt device.

0624 hours: The establishment employee returned and administered the second stun attempt. The FI observed that the second stun is ineffective. The FI observes the hog vocalize for a few seconds, head remains upright and moving laterally, observing its surroundings with eyes tracking and remaining in the sitting position. A few seconds later vocalization stops but animal remains conscious with head moving occasionally.

0625 hours: The FI asks (b) (6) where the back-up gun is? (b) (6) states this is the back-up gun.

At approximately 0627 hours: The FI goes from the pen alley to the employee break room and sees (b) (6) emerging from his office with fresh captive bolt gun shells.

At approximately 0628 hours: The FI observed (b) (6) re-load one of the hand-held captive bolt devices and administers an effective stun application which renders the animal unconscious. During this time the FI had gone to the USDA office and informed the SCSI of the incident. The SCSI asks the FI to immediately note the time and write down her observations of the incident, including location, names of individuals present and time frames.

At approximately 0630 hours: The SCSI informs (b) (6) that the scalding tank will be placed under regulatory control with U.S. Reject tag B35731564. (b) (6) asks if he can run out the heated hogs and eviscerate them so that there are no issues with quality. The SCSI allows the evisceration of 15 hogs hanging on the rail and asks that no other hogs be killed.

At approximately 0635 hours: The SCSI has a meeting with Plant Administrator Dan Sheppick and discusses the facts of the incident. Mr. Sheppick and (b) (6) state they believe the cause of the ineffective captive bolt applications is wet shells. The SCSI states he is going to type up the FI's observations and submit them to Denver District Office through supervisory personnel.

The SCSI observed the dressed head and verified accurate placement and penetration of the stunning attempt.”

Summary

The decision to suspend the assignment of inspectors at your establishment is based on this noncompliance with 9 CFR 313.15(a)(1). This is an inhumane noncompliance, whereby multiple attempts were required to render a hog unconscious, and corrective actions implemented between stuns were delayed.

The suspension of the assignment of inspectors will remain in effect until such time as you provide the Denver District Office adequate written corrective actions and preventative measures to ensure that livestock at your establishment are handled and slaughtered humanely, and in accordance with the FMIA, the HMSA, and 9 CFR 313 regulations.

These should include:

- A written description of the incident.
- The root cause of the incident
- Your immediate corrective actions.
- Your specific corrective actions to prevent reoccurrence of the noncompliance.
- Any training or retraining of employees you plan to provide, including materials you're planning to use.
- Any monitoring procedures, including any documentation records.

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

Paul Wolseley
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Avenue, SW
Room 1329, South Building
Washington, D.C. 20250

Tel: 202-708-9506

Paul.Wolseley@usda.gov

In accordance with 9 CFR Part 500.5 (d), you may request a hearing concerning this action by contacting:

Scott C. Safian
Enforcement and Litigation Division
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

If you have any questions regarding this matter, you may contact the Denver District Office at (303)236-9800.

Sincerely,

ROBERT
REEDER

Digitally signed by
ROBERT REEDER
Date: 2021.03.02
13:48:55 -07'00'

FOR

Ms. Valerie Clay
District Manager
USDA FSIS OFO
Denver District Office
Valerie.Clay@usda.gov

cc: FO/QER
Est. File
R. Reeder, DDM
S. Hoffman, DDM
J. VanHook, DDM

(b) (6)

S. Baucher, RD/OIEA