



United States Department of Agriculture

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Food Safety and  
Inspection Service

Raleigh District Office

6020 Six Forks Road  
Raleigh, NC. 27609  
Voice: 919-844-8400  
Fax: 1-844-839-6359

April 6, 2021

**EMAIL**

Mr. Michael Rodrigues, Plant Manager  
Fauquier's Finest Custom Meat Processing, Inc., Est. M33940  
11746 AG Industrial Drive  
Bealeton, VA 22712

**NOTICE OF SUSPENSION**

Dear Mr. Rodrigues,

This letter confirms the verbal notification given on April 6, 2021, at approximately 1037 hours, by the Food Safety and Inspection Service (FSIS) Inspection Program Personnel (IPP) of the suspension of the assignment of inspectors for slaughter operations at Fauquier's Finest Custom Meat Processing, Inc., Est. M33940, 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 1000 hours on Tuesday, April 6, 2021, at Fauquier's Finest Meat Processing, Est. M33940, Inspection Program Personnel (IPP) identified an egregious humane handling non-compliance in which an establishment employee failed to render a beef cow unconscious on the initial stun attempt and then required multiple stuns to render the beef cow unconscious. IPP observed as the beef cow was brought to the knock box where an employee attempted to stun it using a .22 Magnum rifle. IPP stepped outside while the firearm was being discharged and heard four (4) shots fired from the rifle. IPP stepped back on the kill floor and observed the beef cow to be down in the chute. IPP asked the employee what happened, and after receiving an explanation, the employee and IPP began walking toward the chute to observe the cow. At this point, the cow attempted to stand up and regained footing in its rear limbs. IPP instructed the employee to stun the cow again, and the employee retrieved a 20-gauge shotgun. IPP again exited the kill floor, and the employee successfully rendered the beef cow unconscious using the shotgun (5<sup>th</sup> shot overall). IPP remained on the kill floor to prevent further slaughter from occurring, and after consultation with the Frontline Supervisor (FLS) and District Veterinary Medical Specialist (DVMS), IPP applied US Retain/Reject Tag #B41301189 to the knock box, in accordance with 9 CFR 313.50(c), to prevent further slaughter of livestock. IPP then notified the Plant Manager of the suspension of the assignment of inspection at approximately 1037 hours. The establishment has a documented Systematic Approach to Humane Handling which has been considered Robust; however, the program was not being implemented at the time the incident occurred.

This incident represents a violation of 9 CFR 313.16 (a)(1) which says, in part, that "The firearms shall be employed in the delivery of a bullet or projectile into the animal...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 the establishment failed to render the animal unconscious on the first stun attempt and there were multiple attempts to stun the cow before it was rendered unconscious. For these reasons, a Notice of Suspension is being implemented.

The 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. 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 Johnson  
Executive Associate for Regulatory Operations  
Office of Field Operations  
Food Safety and Inspection Service  
United States Department of Agriculture  
1400 Independence Avenue, SW  
Room 1330A, 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](mailto:todd.furey2@usda.gov). You may also contact Dr. Ariel Thompson, Deputy District Manager, at 919-208-2946. We urge your cooperation and voluntary compliance.

Sincerely,

**ARIAL  
THOMPSON**

Digitally signed by ARIAL  
THOMPSON  
Date: 2021.04.06 15:08:50 -0400'

Todd Furey  
District Manager  
Raleigh, NC

cc:

P. Bronstein, AA/FO

H. Sidrak, DAA/FO

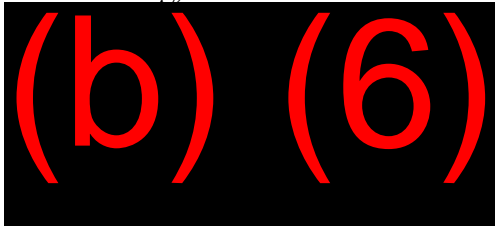
S. Johnson, EARO/FO

S. Safian, ELD/OIEA

L. Hortert, RD/CID/OIEA

R. Murphy, DDM/RDO/FO

M. Roling, DDM/RDO/FO



Quarterly Enforcement Report  
Establishment File (Est. M33940)