



Food Safety and  
Inspection Service

September 22, 2021

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. John Young, President  
**Abattoir Associates Inc. (Est 44910)**  
119 Cooper Street  
Spring Mills, PA 16875

**REINSTATEMENT OF SUSPENSION**

Dear Mr. Young,

This letter confirms verbal notification by Mr. Joseph Schein, Deputy District Manager (DDM) to Mr. John Young, President, at approximately 1555 hours on September 22, 2021, of the Food Safety and Inspection Service's (FSIS) decision to reinstate the suspension and suspend the assignment of Inspection Program Personnel (IPP) at your establishment, **Abattoir Associates Inc. (Est 44910)** located in Spring Mills, PA. This action includes all Slaughter Hazard Analysis and Critical Control Point (HACCP) processes employed at your firm. FSIS is taking this action in accordance with the Rules of Practice, Title 9 of the Code of Federal Regulations (9 CFR) Part 500.3(b).

**Findings/Basis for Action**

On September 22, 2021, at approximately 1445 hours, the following humane handling noncompliance was observed. While trying to stun an agitated heifer in the locking head gate, with a Cash Special HD .25 hand-held captive bolt device, the heifer lunged forward. As the establishment personnel performing the stunning attempted to pull the device away, it discharged, striking the animal above the right eye. Immediate effective corrective actions were taken by the establishment personnel by reloading (the captive bolt) and effectively stunning the heifer. IPP took an immediate regulatory control action (RCA) by applying U.S. Reject tag# B40505100 to the stunning chute.

Your establishment is currently operating under a Reinstatement of Suspension Held in Abeyance (ROSHIA) after a Reinstatement of Suspension (ROS) was initiated August 31, 2021 for failure to follow supplied corrective actions from the previous Notice of Suspension (NOS). The ROSHIA was initiated on September 2, 2021 following receipt of submitted additional corrective actions.

On August 9, 2021, a NOS was initiated for an egregious stunning of swine. On August 11, 2021, The NOS was placed in Abeyance (NOSHIA), and a verification plan (VP), based on your proffered corrective actions, went into effect. The VP is utilized by IPP to verify your corrective actions are effective in

maintaining compliance. On two separate occasions, August 18, 2021, and August 27, 2021, after the issuance of the NOSHIA, humane handling non-compliance for Stunning Effectiveness occurred. In each instance, it required your stunning operator more than one attempt to stun the animal. The VP, based on your submitted corrective actions, states that the establishment will have the appropriate backup stunning device immediately available to the stunning operator. As backup devices were not used in either of these two incidents, you failed your corrective action plan that you put into place to enter the abeyance. In addition, this is the fifth (5<sup>th</sup>) occurrence of a stunning effectiveness incident in the month of August 2021.

For captive bolt stunning, Regulation 9 CFR Part 313.15(a)(1) states that “The captive bolt stunner shall be applied to the livestock in accordance with this section so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.”

For firearm stunning, 9 CFR Part 313.16(a)(1) requires that 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. The animal shall be shot in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.

### **Background/Authority**

The Federal Meat Inspection Act (FMIA) [21 U.S.C. 603 sec. 3. (b)] 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 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 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 establishment 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.” In addition, under prohibited acts, 21 U.S.C. 610 sec 10 (b), “No person, firm or corporation shall, with the respect to any cattle, sheep, swine, goats, horses, mules, and other equines, or any carcasses, parts of carcasses, meat or meat food products of any such animals slaughter or handle in connection with slaughter any such animals in any manner not in accordance with sections 1901 to 1906 of Title 7.”

Under the authorities of the FMIA, FSIS has prescribed rules and regulations required for establishments producing meat products, including the requirements pertaining to Sanitation Performance Standards (SPS), Sanitation Standard Operating Procedures (SSOP), Hazard Analysis and Critical Control Point (HACCP) 9 CFR Parts 416, 417, and

other matters. FSIS has also developed Rules of Practice regarding the enforcement action that it may take and includes procedures for taking a withholding action and/or suspension, with or without prior notification, and for filing a complaint to withdraw a Grant of Inspection.

### **7 U. S. C. 1901**

Humane Methods of Slaughtering Act 7 USC 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 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.”

### **7 U. S. C. 1902**

The Humane Methods of Slaughtering Act 7 USC 1902 states, “No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane.”

When an egregious situation exists, FSIS can refuse to render inspection and indefinitely withdraw inspection from an establishment provided the establishment is afforded the right to an administrative hearing.

Under the authority of the above Acts, FSIS has prescribed rules and regulations required for establishments producing meat and poultry products, including the requirements pertaining to Humane Slaughter of Livestock, as required by 9 CFR 313, and other matters.

**Please provide this office with a written response concerning this ROS by addressing the following:**

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

Provide associated records that include monitoring and verification activities your establishment will use to ensure that changes are effectively implemented. We will determine further action, if any, based on your response.

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 the inhumane treatment of animals at your establishment. Please be advised you have the right to appeal this matter. If you wish to appeal, you should contact:

Executive Association for Regulatory Operations  
USDA, FSIS, Field Operations  
1400 Independence Ave. S. W.  
Room 3161, South Building  
Washington, DC 20250-3700  
Telephone: 202-215-0001

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 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 Staff (EOS)  
Office of Investigation, Enforcement and Audit (OIEA)  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 3753, Patriot Plaza 3, Cubicle 9-253-A  
1400 Independence Avenue, SW  
Washington, DC 20250  
Telephone: (202) 418-8921  
Facsimile: (202) 245-5097

If you have any questions regarding this matter, please feel free to contact Mr. Joseph Schein, Deputy District Manager (DDM) at [joseph.schein@usda.gov](mailto:joseph.schein@usda.gov) or by phone at (215) 430-6219.

Sincerely,

**JOSEPH SCHEIN** Digitally signed by JOSEPH  
SCHEIN  
Date: 2021.09.22 19:15:28 -04'00'

Dr. Lynda E. Lilyestrom  
District Manager  
Philadelphia District Office

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

Ms. Valerie Clay, DDM, FSIS, OFO, Philadelphia District Office

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

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

(b) (6)

**Official Files Establishment Folder – Est. 44910**

FSIS-OFO-(b) (6)