



United States Department of Agriculture

Food Safety and  
Inspection Service

**Certified Mail**

Office of Field  
Operations

February 17, 2022

Atlanta District Office  
100 Alabama St., SW.  
Suite 3R90  
Atlanta, GA. 30303  
Phone: 404-562-

Ms. Kathrine Jones, Co-Owner  
Ms. Jeanne Doyle, Co-Owner  
Palmetto Fresh Meats  
Est. M47715  
403 Jordanville Road  
Aynor, South Carolina 29511

Fax: 404-562-5877  
Toll Free:  
800-282-7005

**NOTICE OF SUSPENSION**

Dear Ms. Jones and Ms. Doyle:

This serves as official notification by the Food Safety and Inspection Service (FSIS) to withhold the marks of inspection and suspend the assignment of slaughter inspection personnel for your slaughter program at Palmetto Fresh Meats, Est. M47715, located at 403 Jordanville Road, Aynor, SC 29511.

**Background Authority**

The Federal Meat Inspection Act (FMIA) [21 U.S.C. 603] provides that it is essential that livestock be handled with minimum of excitement and discomfort during holding and slaughtering. Section 3 (b) of the FMIA states, *For the purpose of preventing the inhumane slaughtering of livestock, the Secretary shall cause to be made, by inspectors appointed for the 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 equine have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with sections 1901 to 1906 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.*

Furthermore, the FMIA provides FSIS the authority to appoint inspectors to examine and inspect the method by which livestock are slaughtered and handled

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at slaughtering establishments. It also gives FSIS program personnel the right to examine and inspect carcasses and parts of carcasses that are further treated and prepared and the right to access and examine establishment records. When conditions exist concerning the slaughtering and handling of livestock, not by a method in accordance with sections 1901 to 1906 of Title 7, 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 Act, FSIS has prescribed rules and regulations required for establishments slaughtering and handling livestock according to 9 CFR 313 et seq. FSIS has also developed the Rules of Practice regarding administrative enforcement, 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, and for filing a complaint to withdraw a grant of inspection.

### **Basis for Action**

This Suspension is based upon your establishment being in violation of 9 CFR 313.15(a)(1) and 313.15(a)(3).

#### **9 CFR 313.15 Mechanical; captive bolt.**

(a) *Application of stunners required effect; handling.*

(1) *The captive bolt stunners 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.*

(3) *Immediately after the stunning blow is delivered the animals shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding.*

Specifically, on February 17, 2022, at approximately 0940 hours, while performing humane handling verification activities, Inspection Program Personnel (IPP) at Palmetto Fresh Meats, Est. M47715, observed a steer as it was moved into the stunning chute. When the steer placed its head into the head restraint, the head restraint did not close properly and the steer pulled its head back into the chute, leaving the steer's head free to move. After the steer calmed down, an employee reached inside the bars of the stunning chute to stun the steer with a captive bolt pistol using a 3.5 grain shell. When the captive bolt was discharged, the steer fell inside the chute. An employee reached inside the chute and cut the steer's throat to bleed the animal. The steer then stood up on its front legs in the chute with clear eye movement, bleeding, and making a gurgling sound.



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The steer fell to the floor after it bled out. The stunning chute was tagged with US Retained tag #B37776814 and Mr. Trae Bragg, Plant Manager, was notified of the regulatory control action. This is noncompliant with 9 CFR 313.15 (a)(1) and 313.15 (a)(3).

After consultation with the Atlanta District Office, it was determined that a Notice of Suspension (NOS) would be issued by the Atlanta District Office. Mr. Trae Bragg, Plant Manager, was verbally notified of the decision.

In accordance with 9 CFR Part 500, the suspension of the assignment of inspectors from your establishment's slaughter operations shall remain in effect until such time you provide adequate written assurances of corrective and preventive measures sufficient to assure that livestock are handled and slaughtered with minimal discomfort. These corrective actions and preventive measures should include at a minimum:

- 1) Identify the assessment process used to determine the nature and cause of the incident.
- 2) Identify what the assessment revealed as the likely cause, i.e., the specific reason(s) why the event occurred.
- 3) Describe the specific actions that will be taken to eliminate the cause of the incident.
- 4) Describe the specific actions that will be taken to prevent future reoccurrences.
- 5) Describe the future monitoring activities that your establishment will use to ensure that the actions are effective.

As a federally inspected establishment, you are expected to comply with the Humane Methods of Slaughter Act and all applicable FSIS regulations. Establishment personnel should continue to monitor operations to prevent humane handling failures from occurring in the future and maintain process control.

You may appeal this determination to:

U.S. Department of Agriculture Food Safety and Inspection Service  
Attention: Melissa Moore  
Executive Associate for Regulatory Operations  
1400 Independence Avenue SW  
Room 344-E, Whitten Building  
Washington, DC 20250

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

Physical Address: Scott C. Safian, Branch Chief  
(For Courier) Enforcement Operations Staff  
Office of Investigation, Enforcement and Audit  
Food Safety and Inspection Service  
United States Department of Agriculture  
Patriots Plaza III, 9th Floor, Cubicle 9-235A  
355 E Street, SW  
Washington, DC 20024-3221

or

Mailing Address: Scott C. Safian, Branch Chief  
Enforcement Operations Staff  
Office of Investigation, Enforcement and Audit  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 3753, PP3, Cubicle 9-235A  
1400 Independence Avenue, SW  
Washington, DC 20250

Telephone: (202) 418-8872  
Fax Number: 202-245-5097

If you have any questions, please contact the Atlanta District Office at (404) 562-5900.

Sincerely,

MUHAMMAD  
MUGHAL

Digitally signed by MUHAMMAD  
MUGHAL  
Date: 2022.02.17 16:57:46 -05'00'

For/Dr. Phyllis Adams  
District Manager

cc: Philip Bronstein, AA/OFO  
Hany Sidrak, DAA/OFO  
Melissa Moore, EARO/OFO  
Scott Safian, EOS/OIEA  
Larry Hortert, RD/CID/OIEA

(b) (6)

Barney Welch, DDM/OFO  
Ghias Mughal, DDM/OFO

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Tracy Bryant, DDM/OFO

E. Bryan Surgeon, DVMS/OFO

(b) (6)