



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

December 28, 2022

**EMAIL**

Mr. Michael Wagner, Owner/President  
Wagner Meats, LLC, Est. M10804  
604 North Main Street  
Mt. Airy, MD 21771

## **NOTICE OF REINSTATEMENT OF SUSPENSION HELD IN ABEYANCE**

Dear Mr. Wagner,

On December 13, 2022, your establishment received official notification from the Food Safety and Inspection Service (FSIS) of the reinstatement of suspension of the assignment of inspection personnel for slaughter operations at Wagner Meats, LLC, Est. M10804. The decision to suspend inspection at your establishment was based on the determination by FSIS that your establishment failed to slaughter and handle animals humanely.

On December 19 and December 27, 2022, you provided FSIS with proposed responses to the suspension action. Your responses outlined additional written corrective and preventive measures to bring your establishment into compliance with humane handling of livestock requirements and to achieve compliance with the Federal Meat Inspection Act (FMIA) (Title 21 of the United States Code {21 U.S.C} 603), the Humane Methods of Slaughter act of 1978 (HMSA) (7 U.S.C. 1901 et seq.), and federal regulations {Title 9 of the Code of Federal Regulations (9 CFR) parts 313}. Based on your submitted written assurances, we have determined that the reinstated suspension of the assignment of inspectors for slaughter operations at your plant will be held in abeyance, in accordance with 9 CFR Part 500.5(e).

The reinstated suspension will remain in abeyance pending verification by FSIS that your proposed corrective and preventive measures have been effectively implemented. Plant personnel should monitor operations to prevent violations of humane handling and slaughter from occurring in the future. It is also important for you to understand the responsibility of FSIS to initiate action when there is a failure to operate in accordance with 9 CFR Part 313 of the regulations.

A copy of the FSIS Verification Plan is enclosed to assist you in understanding the nature and importance of the Agency's verification activities. This FSIS Verification Plan is designed to verify that your establishment fully implements the corrective actions proffered in your proposed corrective actions, and that these revisions and corrective actions are effective in assuring ongoing regulatory compliance. It identifies your corrective action elements, the relevant regulatory requirements, the PHIS task

under which corrective action elements will be verified, and the monitoring frequency. Only FSIS can amend the verification plan and any modifications to your submitted acceptable corrective actions made during the abeyance period will need to be submitted in writing to FSIS for verification of compliance prior to implementation by your establishment. FSIS will begin verification of your proposed actions before startup of your next scheduled slaughter.

Please be advised that, as a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective action to prevent Inhumane Handling of Livestock at your establishment. Your failure to comply with these requirements or to implement the measures in your action plan could result in reinstatement of the suspension of inspection at your establishment or other appropriate administrative or legal action.

If you have any questions, you may call me at 919-326-5281 or contact me via email at [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov). You may also contact Dr. Roger Murphy, Deputy District Manager, at 919-326-5283.

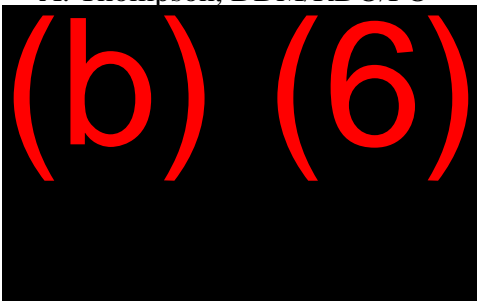
Sincerely,

**MARK ROLING** Digitally signed by MARK ROLING  
Date: 2022.12.28 13:48:33 -0500

Todd Furey  
District Manager  
Raleigh, NC

cc:

S. Johnson, EARO/FO  
P. Wolseley, EARO/FO  
S. Safian, ELD/OIEA  
L. Hortert, RD/CID/OIEA  
T. Furey, DM/RDO/FO  
R. Murphy, DDM/RDO/FO  
M. Roling, DDM/RDO/FO  
A. Thompson, DDM/RDO/FO



Quarterly Enforcement Report  
Establishment File (Est. M10804)

**Establishment Name: Wagner Meats, LLC**  
**Establishment Number: M10804**  
**Two-Week Period Ending: \_\_\_\_\_**

Reason for Verification: On 12/13/2022, Establishment M10804 was issued a NOROS for failure to meet 9 CFR 313 of the regulations. On 12/28/2022, the establishment was issued a NOROSHIA after submitting acceptable corrective actions and preventive measures.

Information for Establishment Management: This verification plan was created from the corrective actions and preventive measures which were submitted to, and which were accepted by, the Raleigh District Office. As such, any changes to these corrective actions and preventive measures needs to be approved by the Raleigh District Office prior to implementation.

**Instructions for completion of Humane Handling and Slaughter Verification form:**

1. "Results of Verification" column should be recorded as "Acceptable", "Unacceptable", or "N/A"
2. "Inspection Actions" column should be used to document unacceptable findings or any additional corrective actions taken in compliance with 9 CFR 313.
3. The implementation and effectiveness of the establishment's corrective actions should be verified at the frequencies stated below. The in-plant inspection team (IPP) can request, through supervisory channels, a change in the frequencies when the determination is made that the establishment has effectively implemented the corrective actions.
4. Each day verification activities are performed, IPP should add a Directed Livestock Humane Handling Verification task in PHIS and use the justification "Verification Plan for Enforcement Actions" to justify the scheduling of the Directed task.
5. IPP will provide bi-weekly verification updates detailing the results of verification activities and submit to the SPHV/FLS for review.
6. The completed bi-weekly report will be submitted via email to (b) (6)

(b) (6)

Items to Verify	Results of Verification	Inspection Actions
1. Verify that establishment personnel notify owners/producers of the hog weight restrictions prior to the following week's appointments. <b>(Weekly)</b>		

2. Verify that producer notification is documented on the slaughter book. <b>(Weekly)</b>		
3. Verify that no hogs >400 lbs. are presented for slaughter. <b>(Daily, for each hog slaughter day)</b>		
4. Verify that hogs that are questionable in size are weighed to ensure that no hogs >400 lbs. are presented for slaughter. <b>(Daily, for each hog slaughter day)</b>		
5. Verify that hogs >400 lbs. are returned to their owners. <b>(Daily, for each slaughter day)</b>		
6. Verify that establishment installs new shackle when it is delivered (~01/08/2023). <b>(Once, after delivery)</b>		
7. Verify that employees have received training on determining insensibility and that the training is documented. <b>(Once)</b>		
8. Verify that training and correlation is performed quarterly and is documented. (Once per quarter)		
9. Verify that an establishment employee monitors 100% of the stunning to verify stunning effectiveness. <b>(Daily, for each slaughter day)</b>		
10. Verify that an employee checks each animal for signs of consciousness and checks the shackle for stability. <b>(Daily, for each slaughter day)</b>		

**Comments and Recommendations**

**Two-Week Period Ending:**

IIC Comments/Recommendation:

SPHV Comments/Recommendation (if not the IIC):

FLS Comments/Recommendation: