



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations

Atlanta District Office

100 Alabama St., SW.
Suite 3R90
Atlanta, GA. 30303
Phone: 404-562-5900
Fax: 404-562-5877
Toll Free:
800-282-7005

Certified Mail

June 20, 2024

Mr. Hal Bennett, Owner
Johnston's Locker Plant, Inc.
Est. M11198
1480 Washington Street
Monticello, FL 32344

NOTICE OF DEFERRAL

Dear Mr. Bennett:

On June 12, 2024, the Food Safety and Inspection Service (FSIS) issued a Notice of Intended Enforcement (NOIE) with the intent to withhold the marks of inspection and suspend the assignment of slaughter Inspection Program Personnel (IPP) at Johnston's Locker Plant, Inc., Est. M11198, located at 1480 Washington Street, Monticello, FL 32344, for failure to effectively implement humane methods of slaughtering and handling of livestock in a manner that complies with the regulatory requirements prescribed by the Federal Meat Inspection Act (FMIA) and Humane Methods of Slaughter Act (HMSA).

On June 12, 2024, you submitted written corrective actions and preventive measures to meet the requirements of the Humane Methods of Slaughter Act. As part of your assessment, you determined that the bovine moved its head at the time the first stun was applied resulting in ineffective first stun. Your corrective actions included: retraining both kill floor employees in "Humane Handling: Consciousness and Stunning", you provided a link to the training material used, you provided a copy of the record used to document that your employees were retrained; and you stated that the head catch would be retrofitted with a device that would stabilize the head of each bovine to prevent movement.

On June 13, 2024, FSIS determined that the proffered corrective actions and preventive measures submitted were not adequate to properly address the inhumane handling incident and clarification was requested. Specifically, FSIS requested you to: provide a copy of the record that would be used to document monitoring of stunning effectiveness which would include use of the retrofitted device added to the cattle head catch on the stun chute; clarify

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the specific signs that would be used to determine unconsciousness; and provide a frequency for monitoring stunning effectiveness.

On June 13, 2024, you submitted a second response to meet the requirements of the Humane Methods of Slaughter Act. This response included: pictures of the retro fitted head catch; you stated that you ordered a hand-held captive bolt (HHCB) which would be used as your primary stunning device once it was received; you provide a copy of the material that would be used to train your employees on the proper use of the HHCB; you provide a monitoring frequency for monitoring stunning effectiveness of "three (3) out of every five (5) animals stunned"; and you specified that (b) (6) would be your designated stunner.

On June 18, 2024, FSIS determined that the proffered corrective actions and preventive measures submitted were not adequate to properly address the inhumane handling incident and clarification was requested. Specifically, FSIS requested you to: provide a copy of the record used to document that your employees were trained in the proper use of the HHCB; and to clarify the frequency for monitoring and recording stunning effectiveness. The listed frequency of monitoring "three (3) out of every five (5) animals stunned" could cause confusion and misinterpretation when reviewing your records.

On June 18, 2024, you submitted a third response to meet the requirements of the Humane Methods of Slaughter Act. This response included: copies of the records used to document that your employees were trained in the proper use of the HHCB; and you clarified that you would monitor stunning effectiveness of 50% of the animals slaughter each day.

On June 18, 2024, you were verbally notified by (b) (6), DVMS that the corrective actions and preventive measures met the requirements to place Johnston's Locker Plant, Inc., Est. M11198, in Deferral and that a Notice of Deferral (NOD) and Verification Plan (VP) would be issued. You are hereby being provided written notification that the NOIE is Deferred.

FSIS has designed a Verification Plan (VP), and Inspection Program Personnel (IPP) will use it to monitor and verify that you have effectively implemented your proposed actions. The VP identifies your corrective actions based on your responses, the relevant regulatory requirements, the tasks IPP will use to conduct verification activities, and the time frames that you identified. While these verification activities are targeted at your plant's use of electric prods, FSIS personnel will continue to ensure all humane handling/stunning regulatory requirements of 9 CFR Part 313 are being met. We have attached a copy of the VP to assist you as a reference during the Agency's verification activities.

As an operator of a federally inspected facility, we expect you to comply with FSIS regulations and to take appropriate corrective actions when either the establishment or

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FSIS identifies regulatory noncompliance. FSIS has the responsibility to initiate regulatory control or other appropriate action if your establishment fails to operate in accordance with the regulations. A final decision relative to this enforcement action will be determined based on your establishment's ability to execute and comply with your proffered corrective actions and all applicable regulatory requirements. Your establishment's failure to meet the conditions of this deferral may result in additional regulatory and/or administrative actions in accordance with the Rules of Practice 9 CFR Part 500.

If you have any questions in this matter, contact me at (404) 562-5900.

Sincerely,

PHYLLIS Digitally signed
by PHYLLIS
ADAMS
ADAMS Date: 2024.06.20
10:55:14 -04'00'

Dr. Phyllis Adams
District Manager
Atlanta District Office
USDA/FSIS/OFO

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cc: Karen Hunter, EARO
Phyllis Adams, DM
(b) (6), Humane Handling Enforcement Coordinator
Larry Hortert, OIEA Regional Director
Edward Hepburn, DDM
Barney Welch, DDM
Tracy Bryant, DDM
(b) (6), SEIAO
(b) (6), DCS
(b) (6), DVMS
(b) (6), FLS
(b) (6), FLS
FO/Quarterly Reports