



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

August 9, 2023
MAIL

CERTIFIED

Johnston's Locker Plant, Inc.
M11198
1480 Washington Street
Monticello, FL 32344
hal@johnstonsmeatmarket.com
(850) 997-5622

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Hal Bennett,

On August 2, 2023, the Food Safety, and Inspection Service (FSIS) issued a Notice of Suspension (NOS) withholding the marks of inspection and suspending the assignment of slaughter inspection program personnel for livestock slaughter at Johnston's Meat Locker, Inc., Est. M11198 located at 1480 Washington Street, Monticello, FL 32344. This action was based on your establishment's failure to handle livestock humanely according to 9 CFR Part 313.

On August 3, 2023, the Atlanta District Office received the corrective actions and preventive measures, you submitted through the Frontline Supervisor via electronic mail, to meet the requirements of the Humane Methods of Slaughter Act. Based on your assessment, you acknowledged that the inhumane actions taken by your employees were unacceptable. Your corrective actions and preventive measures included: formally writing up the employees; the employees will face further disciplinary action up to termination on the next offense if they do not comply with your HACCP plan and 9 CFR Part 313; and you conducted a meeting and went over 9 CFR Part 313 as to humane actions during the entire process.

On August 3, 2023, you submitted a second response containing additional corrective actions and preventive measures. Your response included: the employee that kicked the cow in the face and made derogatory comments to the Consumer Safety Inspector (CSI) was terminated; the employee that sprayed the cows with hot water will be retrained regarding your "Humane Slaughter Practices SOP" and Humane Slaughter Practices; (b) (6),

NOTICE OF SUSPENSION HELD IN ABEYANCE

Mr. Hal Bennett, Owner

Johnston's Locker Plant, Inc., Est. M11198

August 9, 2023

Page 2

who has extensive experience working in a medium sized Hog processing plant, understands USDA guidelines and has been properly trained along USDA guidelines, will oversee slaughter operations when slaughter inspection is reinstated; the establishment will implement a Robust Humane Slaughter Program that is separate from your Humane Slaughter Practices SOP; and you submitted a copy of your Humane Slaughter Practices SOP.

On August 4, 2023, the Atlanta District Office issued a District Office Response Letter notifying you that your initial response was found to be inadequate for the egregiousness of the humane handling noncompliance and that your case was referred to the Office of Investigation, Enforcement, and Audit (OIEA) for review by the Enforcement Operations Staff (EOS).

On August 4, 2023, FSIS determined that your second response of proffered corrective actions and preventive measures submitted were not adequate to properly address the inhumane handling incident and further clarification was requested. Specifically, FSIS requested: a copy of the information that will be used to retrain your employee in Humane Slaughtering Practices; a copy of the record documenting that the employee was retrained; a copy of your new Robust Humane Slaughter Program including copies of any records that will be used to document monitoring and verification activities; a copy of your revised Humane Slaughter Practices SOP addressing training of all employees involved in the slaughter process, to include employees handling, working with or moving livestock; provide a copy of any training material and/or a link to any videos used to train your slaughter employees; a copy of the record, including names and signatures, used to document training of your slaughter employees; and a copy of your revised Humane Slaughter Practices SOP addressing a righting reflex as a sign of consciousness.

On August 5, 2023, you submitted your third response containing additional corrective actions and preventive measures. Your response included: a copy of a PowerPoint presentation titled "Firearm Physics" and a copy of your new program titled "Robust Humane Slaughter Program" which would be used to retrain your employee on Humane Slaughter Practices; a copy of the record that will be used to document monitoring of "Robust Humane Slaughter Program"; employee training documentation will be provided on August 8, 2023; and a corrected copy of your Humane Slaughter Practices SOP was provided.

On August 5, 2023, FSIS determined that your third response of proffered corrective actions and preventive measures submitted were not adequate to properly address the inhumane handling incident and additional clarification was requested. Specifically, FSIS requested: a copy of the training material used to address animal handling regarding receiving, holding and movement; clarification regarding the monitoring frequencies for your "Robust Humane Slaughter Program"; your "Robust Humane Slaughter Program

NOTICE OF SUSPENSION HELD IN ABEYANCE

Mr. Hal Bennett, Owner

Johnston's Locker Plant, Inc., Est. M11198

August 9, 2023

Page 3

does not address monitoring of stunning effectiveness and consciousness on the rail; the "Humane Slaughter Practices SOP" does not address training of all employees involved in the slaughter process, which includes employees handling, working with or moving livestock; a link to the video referenced for training was not provided; and it was noted that due to the current enforcement action, even though a written program may meet the Agency's criteria for a Robust Systematic Approach (RSA), it would not be considered robust at this time.

On August 6, 2023, FSIS received your fourth response containing additional corrective actions and preventive measures. Your response included: documents with corrected typographical errors; the verbiage in your "Humane Slaughter Practices SOP" was modified to include training of all slaughter employees handling, working with or moving livestock: a link to the video that would be used to train and/or retrain your employees regarding receiving, holding, handling and movement of animals; clarification regarding the monitoring frequencies for your "Robust Humane Slaughter Program"; and a copy of your "Robust Humane Slaughter Program" addressing monitoring of stunning effectiveness and consciousness on the rail.

On August 7, 2023, you submitted copies of the records documenting that your slaughter employees had been trained and/or retrained regarding Humane Slaughter Practices.

On August 8, 2023, you were verbally notified by FSIS that the corrective actions and preventive measures met the requirements to place Johnston's Locker Plant, Est. M11198, in Abeyance and that a Notice of Suspension Held in Abeyance (NOSHA) and Verification Plan (VP) would be issued. You are hereby being provided written notification of the Notice of Suspension Held in Abeyance.

Please be further advised that the suspension of inspection at your establishment will remain in abeyance pending verification by FSIS that your proposed corrective actions and preventive measures have been implemented and are effective in ensuring future regulatory compliance and preventing the inhumane treatment of animals. Agency personnel will begin immediate verification of your corrective actions and preventive measures.

A copy of the FSIS Verification Plan is attached to assist you in understanding the nature and importance of the agency's verification activities. The FSIS Verification Plan is designed to verify that your establishment fully implements the revisions to its humane handling of animals and other corrective actions stated in your responses, and that these revisions and corrective actions are effective in ensuring future regulatory compliance. The FSIS Verification Plan identifies your proposed corrective actions, the regulatory requirement(s), and the PHIS Task under which FSIS officials will verify the implementation and effectiveness of your proposed action plan.

NOTICE OF SUSPENSION HELD IN ABEYANCE

Mr. Hal Bennett, Owner
Johnston's Locker Plant, Inc., Est. M11198
August 9, 2023
Page 4

Please be reminded that as a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate actions to prevent the inhumane handling of animals. It is important for you to understand that FSIS has the responsibility to initiate action if your establishment fails to operate in accordance with the regulations, or conditions occur that do not comply with the Humane Methods of Slaughter Act. Please be advised that failure to comply with these regulatory requirements or failure to effectively implement your proposed corrective actions and preventive measures could result in the immediate suspension of inspection at your establishment or other appropriate action.

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

Sincerely,

PHYLLIS Digitally signed by
PHYLLIS ADAMS
Date: 2023.08.09
11:31:05 -0400
ADAMS

Dr. Phyllis Adams
District Manager

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