



Electronically Submitted on October 17, 2023
FedEx Tracking: 7737 7075 5462

October 17, 2023

Mr. Nicholas Phillips Vice President of Operations
Copper City Meats DBA Gold Medal Packing (Est. M -17965)
8269 River Road
Rome, New York 13440

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NOTICE OF SUSPENSION

Attention: Nicholas Phillips, Vice President of Operations

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our decision to withhold the federal marks of inspection and suspend the assignment of Inspection Program Personnel (IPP) at **Copper City Meats** [DBA Gold Medal Packing], establishment M-17965, located at 8269 River Road, Rome, New York 13440. This letter follows verbal notification of the suspension action, provided by Dr. Chelsea Buckley, Deputy District Manager (DDM) to Mr. Nicholas Phillips, Vice President of Operations, at approximately 1130 hours on October 17, 2023. This action includes your Slaughter Hazard Analysis Critical Control Point (HACCP) processes employed at your establishment.

The decision to institute this enforcement action is in accordance with Title 9 of the Code of Federal Regulations (CFR), Rules of Practice 500.3(b), based on the determination that your establishment did not handle or slaughter animals humanely. The evidence demonstrates failure to comply with the Federal Meat Inspection Act (FMIA) (21 U.S.C. 603), the Humane Methods of Slaughter Act (HMSA) (7 U.S.C. 1901 *et seq.*), and the regulatory requirements (9 CFR Part 313).

Background/Authority

The FMIA (21 USC 601 *et seq.*) provides it is essential to the public interest that the health and welfare of consumers be protected, by assuring meat products distributed to them are wholesome, not adulterated, and properly marked, and labeled. The Act gives FSIS the authority, as designated by the Secretary of Agriculture, to prescribe rules and regulations describing sanitation requirements for inspected establishments and provide FSIS program personnel the authority to refuse to allow meat/meat food products to be marked, labeled, stamped, or tagged as *inspected and passed*, to prevent the entry of adulterated products into commerce. Furthermore, the FMIA provides FSIS the authority to appoint inspectors to examine and inspect the method by which livestock are slaughtered and handled at slaughtering establishments.

The HMSA provides that 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.

Under the authority of the Acts, FSIS has prescribed rules and regulations required for establishments slaughtering and handling livestock, as required by 9 CFR Part 313. 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. Specifically, 9 CFR 500.3(b) states that FSIS may impose a suspension without providing prior notification due to handling or slaughtering of animals inhumanely.

Findings/Basis for Action

On October 17, 2023, at approximately 1000 hours, while completing a humane handling task in the pens at Copper City Meats (Est. M-17965), the following noncompliance was observed. IPP witnessed an establishment employee drag a bob veal by the two hind legs between six (6) and eight (8) feet from pen five (5) halfway into pen four (4). At the time of the incident, the bob veal calf could be observed breathing, had coordinated eye movement, and could move its tongue. IPP stopped the employee immediately and asked (the employee) if the bob veal was dead or had been previously stunned. The establishment employee replied “no”. IPP proceeded immediately to inform the plant manager, who then removed the offending plant employee from the building. The calf was appropriately stunned and bled by a trained establishment employee while under the supervision of IPP. U.S. Condemn tag number Z10108099 was applied to the calf. Additionally, the ramp to the knock box tagged with U.S. Reject Tag number B43765004. This is a failure to meet the regulatory requirements of 9 CFR 313.2(d)(2) “The dragging of disabled animals and other animals unable to move, while conscious, is prohibited.”

While the establishment has a robust systematic approach to humane handling, it was not being implemented properly.

Summary and Conclusion

Provisions of the FMIA outline FSIS’ ability to refuse to render inspection and indefinitely withdraw inspection from an establishment, provided the establishment is afforded the right to an administrative hearing, when conditions exist where the slaughter and/or handling of livestock was not by a method in accordance with the Act(s). Evidence demonstrates your failure to meet regulatory requirements addressed in 9 CFR 313.2 constituting a violation of the humane slaughter requirements, and supporting the conclusion that your handling of livestock violated the provisions of the FMIA and HMSA.

Please provide a written response, inclusive of written corrective action and preventative measures, by addressing the following:

- Evaluate and identify the nature, cause of the incident.
- Describe the specific actions taken to eliminate the cause of the incident and prevent future recurrences.
- Describe specific monitoring activities planned to ensure future compliance.
- Provide any supporting documentation and records maintained and/or associated with the proposed corrective actions and preventative measures.

A determination of further administrative action will be made upon receipt and review of your submitted corrective actions and preventative measures. You are reminded that, as an operator of a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent the production of or adulterated products at your establishment. Please be advised that your failure to respond adequately to these issues may result in our initiating action to withdraw inspection from your establishment.

Appeal and Hearing Rights

You have the right to appeal this matter and can do so by contacting:

Melissa Moore
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Avenue, SW
SB, Room 1222
Washington, DC 20250
Email: melissa.moore1@usda.gov
Phone: (202) 450-0330

Pursuant to 9 CFR 500.5(d), you may also request a hearing regarding this determination. 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, please contact:

Scott C. Safian, Director
Enforcement Operations Staff (EOS)
Office of Investigation, Enforcement and Audit (OIEA)
Food Safety and Inspection Service
United States Department of Agriculture
Stop Code 3753, SB - Room 2148
1400 Independence Avenue, SW
Washington, DC 20250
Telephone: (202) 418-8872
Facsimile: (202) 245-5097
E-mail: AEBCorrespondence@usda.gov

If you have any questions regarding this matter, please feel free to contact Dr. Chelsea Buckley, DDM, via electronic mail at chelsea.buckley@usda.gov or by telephone at (267) 807-7615. Additionally, you can contact the Philadelphia District Office at (800) 637-6681.

Sincerely,

CHELSEA
BUCKLEY
Digitally signed by
CHELSEA BUCKLEY
Date: 2023.10.17
13:34:57 -04'00'

Mr. Jason Orlando
District Manager

CC:

FSIS - FO/Quarterly Enforcement Report

Ms. Melissa Moore, EARO, FSIS, OFO, Washington D.C.

Mr. Joseph Priore, RD, FSIS, OIEA, Northeast Region

Mr. Jason Orlando, DM, FSIS, OFO, Philadelphia District Office

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

Mr. George Slobodjian, DDM, FSIS, OFO, Philadelphia District Office

Dr. Chelsea Buckley, DDM, FSIS, OFO, Philadelphia District Office

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Official Files Establishment Folder – Est. 17965