



United States Department of Agriculture

Food Safety and  
Inspection Service

**Certified Mail**

Office of Field  
Operations

September 28, 2023

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Atlanta, GA. 30303  
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800-282-7005

Ivy Log Meat Processing, LLC  
M1844  
6310 Murphy Highway  
Blairsville, GA 30512  
david@ivylogmeatprocessing.com  
(706) 897-0619

Attention: Mr. David Christensen, Owner

## **NOTICE OF SUSPENSION**

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 Ivy Log Meat Processing, LLC, Est. M1844, located at 6310 Murphy Highway, Blairsville, GA 30512. This letter follows verbal notification of the suspension action, provided by (b) (6), Frontline Supervisor (FLS), to Mr. David Christensen, Owner on September 26, 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**

This Notice of Suspension is based upon your establishment being in violation of 9 CFR 313.16(a)(1), 9 CFR 313.16(a)(3), 9 CFR 313.16(b)(1)(i), 9 CFR 313.16(b)(1)(ii), 9 CFR 313.16(b)(1) (iii), 9 CFR 313.16(b)(1)(iv), and 9 CFR 313.16(b)(2).

Specifically, on September 26, 2023, at approximately 1331 hours, while performing stunning verification activities associated with humane handling, IPP observed that it took establishment personnel five shots, with two different firearms, to render a market hog unconscious.

The first four shots, which failed to render the hog unconscious, were applied using a .22 long rifle revolver. IPP observed blood draining from the points of entry and the hog vocalized. After the fourth shot, the hog lunged forward knocking the shooter and the pressure gate to the ground. The hog then walked over the fallen gate and onto the floor of the slaughter room. The hog was then restrained with the pressure gate and shot with a .357 magnum revolver, behind the ear, rendering it unconscious. The knock box was tagged with U.S. reject tag NO. B-45 912551 and plant management was notified of the noncompliance.

On postmortem examination, IPP observed that there were four distinct points of entry in the front of the skull and a fifth point of entry on the side of the head.

On September 9, 2004, FSIS published "*Humane Handling and Slaughter Requirements and the Merits of a Systematic Approach to Meet Such Requirements*" in the Federal Register (69 FR 54625). On September 24, 2020, FSIS released FSIS Directive 6900.2 Revision 3, entitled, "*Humane Handling and Slaughter of Livestock.*" Additionally, on October 23, 2013, FSIS introduced new guidance, titled "*FSIS Compliance Guide for a Systematic Approach to the Humane Handling of Livestock.*" Within the guidance material is information intended to better ensure the humane treatment of livestock presented for slaughter. The guidance material provides a set of practices designed to minimize excitement, discomfort, and accidental injury regarding the humane handling of livestock to include the four components of a robust systematic approach to humane handling.

When an establishment maintains a robust humane handling program, FSIS can exercise regulatory discretion when an inhumane handling or slaughter incident is observed. You do not currently maintain a written humane handling program for consideration.

### **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 313.16 (a)(1), 9 CFR 313.16(a)(3), 9 CFR 313.16(b)(1)(i), 9 CFR 313.16(b)(1)(ii), 9 CFR 313.16(b)(1)(iii), 9 CFR 313.16(b)(1)(iv), and 9 CFR 313.16(b)(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 initiation of 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:

Karen Hunter  
Executive Associate for Regulatory Operations  
Office of Field Operations  
Food Safety and Inspection Service  
United States Department of Agriculture  
SB, Room 3129  
1400 Independence Avenue, SW  
Washington, DC 20250  
Email: Karen.Hunter@usda.gov  
Phone: (202) 499-0275

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:

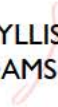
Scott C. Safian, Director  
Enforcement Operations Staff (EOS)  
Office of Investigation, Enforcement and Audit (OIEA)  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 3753, SB - Room 2148  
1400 Independence Avenue, SW  
Washington, DC 20250  
Telephone: (202)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

If you have any questions, please contact Dr. Phyllis Adams via telephone at (404) 562-5900 or via electronic mail at Phyllis.Adams@usda.gov. Additionally, you can contact the Atlanta District Office at (404) 562-5900 or by fax at (404) 562-5877.

Mr. David Christensen, Owner  
Ivy Log Meat Processing, LLC, M1844

Notice of Suspension  
September 28, 2023

Sincerely,

 Digitally signed  
by PHYLLIS  
ADAMS  
Date: 2023.09.28  
11:17:14 -0400

Dr. Phyllis Adams  
District Manager

Mr. David Christensen, Owner  
Ivy Log Meat Processing, LLC, M1844

Notice of Suspension  
September 28, 2023

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  
FO/Quarterly Reports