



United States Department of Agriculture

Food Safety and Inspection
Service

January 25, 2023

Office of Field Operations
Jackson District Office
713 S Pear Orchard Rd,
Plaza 2, Suite 402
Ridgeland, MS 39157

Via Email To: moonlightmeatprocessing@gmail.com
And FedEx Tracking
#771121922892

Ms. Anne Bays, Owner
Moonlight Meat Processing, Est. M33845
90 AJ Sutton Road
Williamsburg, Kentucky 40769

NOTICE OF SUSPENSION

Dear Ms. Bays:

On January 25, 2023, the Food Safety and Inspection Service (FSIS) issued a "Notice of Suspension" to your establishment. This serves as official written notification of our decision to suspend the assignment of inspectors for your federal slaughter activities at Moonlight Meat Processing, Est. M33845. This action was based on your establishment's failure to handle livestock humanely according to 9 CFR Part 313.

Background/Authority

The Federal Meat Inspection Act (FMIA) (21 U.S.C. 603 *et seq*) states, "*for the purpose of preventing the inhumane slaughtering of livestock, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the method by which amenable species are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this Act. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishments by any method not in accordance with the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901-1906) until the establishment furnishes assurances satisfactory to the Secretary that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such a method.* This Act also gives FSIS personnel the right to examine and inspect all carcasses and parts of carcasses that are further treated and prepared, and the right to access and examine establishment records.

Under the authorities of the Act, FSIS has prescribed rules and regulations required for establishments producing meat products, including the requirements pertaining to Humane Slaughter of Livestock (9 CFR Part 313) and other matters. Specifically, your establishment failed to meet the following regulatory requirement as specified by 9 CFR § 313.16 (a) (3) which states, "*(a) Utilization of firearms, required effect; handling. (3) Immediately after the firearm is discharged and the projectile is*

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delivered, the animal shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking, and bleeding”.

Humane Methods of Slaughter Act: Humane Methods of Slaughtering Act, 7 U. S. C. 1901 states, “*The 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 slaughtering operations; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors and consumers which tends 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 (7 U.S.C. 1901).*”

FSIS has prescribed Rules of Practice regarding enforcement (9 CFR Part 500). The Rules of Practice describes the types of enforcement actions that FSIS may take including procedures for taking a withholding action and/or suspension, with or without prior notification, and for filing a complaint to withdraw a grant of Federal inspection. 9 CFR § 500.3 (b) states, “*FSIS also may impose a suspension without providing the establishment prior notification because the establishment is handling or slaughtering animals inhumanely.*”

Findings/Basis for Action

On January 25, 2023, at approximately 12:45 PM, while performing Humane Handling verification tasks at Moonlight Meat Processing, Est. 33845, your establishment personnel moved a beef into the knock box. An initial stun attempt with a 410 shotgun was delivered and observed to be effective at rendering the animal unconscious; the animal went down in chute; no tracking eye movement or vocalization was noted. Your establishment employee made a cut to facilitate bleeding. Approximately 10 minutes later, your kill personnel came to find FSIS inspection personnel in the hallway and stated the cow was up inside the building. FSIS inspection personnel walked to the kill floor and observed that the cow had regained consciousness, and was up, alert, and standing on all four legs. At this time, your stun operator retrieved the 410 firearm and delivered an additional stun attempt, which rendered the animal insensible, and it remained so thereafter. U.S. Reject tag #B-31985558 was placed on the chute, and establishment owner Ms. Anne Bays was notified of the non-compliance and of the regulatory control action.

On January 25, 2023, at approximately 1:18 PM, the Deputy District Manager from the Jackson District Office, contacted you telephonically and informed you that the withholding action to suspend the federal slaughter activities at your facility was sustained. You are herein receiving written notification of the suspension of the assignment of inspectors for your federal slaughter activities with this letter.

The occurrence of this inhumane handling incident constitutes a violation of the humane slaughter requirements and supports a conclusion that your handling of livestock violated the provisions of 21 U.S.C. 603, Section 3 (b) of the FMIA, and 7 U.S.C. 1901 and 1902 of the Humane Methods of Slaughter Act of 1978. You failed to meet the regulatory requirements of 9 CFR § 313.16 (a) (3). The suspension of the assignment of inspectors for federal slaughter activities will remain in effect until you provide written corrective actions and preventive measures to the Jackson District Office, to assure that the animals at your establishment will be handled humanely in accordance with the Humane Methods of Slaughter Act and regulations promulgated there under.

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Please provide this office with a written response concerning this Notice of Suspension by addressing the following:

- Evaluate and identify the root cause of the incident.
- Explain the specific reason(s) why the event occurred.
- Describe the specific actions taken to eliminate the root cause of the incident.
- Describe specific planned actions that you will take to prevent future recurrences.

Please provide associated records that include monitoring and verification activities that your establishment will use to ensure that the changes made are effectively implemented. We will determine further action, if any, based on your response(s).

As a federally inspected establishment, you are expected to comply with 9 CFR § 313.16 (a) (3) of the regulations and all other requirements concerning the humane slaughter of livestock. In accordance with 9 CFR § 500.3 (b), we are implementing a suspension of the assignment of inspectors for your federal slaughter activities due to inhumane handling. Establishment management should clearly understand the seriousness of repetitive humane handling violations which could lead to Agency actions, that could result in actions to withdraw the grant of inspection.

You may appeal this action by contacting:

Paul Wolseley
 Executive Associate for Regulatory Operations
 Office of Field Operations
 United States Department of Agriculture
 1400 Independence Avenue SW
 Room 3160 South Building
 Washington, D. C. 20250
 Office: (202) 708-9506
 Mobile: (630) 544-9805
paul.wolseley@usda.gov

In addition, you may also request a hearing regarding this determination pursuant to FSIS Rules of Practice, 9 CFR Part 500. The Rules of Practice were published in the Federal Register, Vol. 64, no 228, on November 29, 1999. As specified in 9 CFR § 500.5(d), should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing. You may request a hearing by contacting:

Mailing Address:

Scott C. Safian, Director
 Enforcement Operations Branch
 Office of Investigation, Enforcement and Audit
 Food Safety and Inspection Service
 United States Department of Agriculture
 Stop Code 3753, SB – Room 2148
 1400 Independence Avenue, SW
 Washington, D. C. 20250

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Office: (202) 418-8872

Fax Number: (202) 245-5097

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 inhumane treatment of animals. We urge your voluntary cooperation and compliance.

If you have any questions regarding this matter, please contact the Jackson District Office at (601) 965-4312.

Sincerely,

CHERYL

 Digitally signed by CHERYL
HENRY
Date: 2023 01 25 14 00 21 -06'00'

for:

Dr. Larry Davis

District Manager

Jackson District Office

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Cc: (b) (6) SPHV (via electronic copy)
(b) (6), CSI (via electronic copy)
(b) (6), FLS (via electronic copy)
Dr. Damon Ranftle, DDM (via electronic copy)
Dr. Kermit Harvey, DDM (via electronic copy)
Ms. Cheryl Henry, DDM (via electronic copy)
(b) (6) DVMS (via electronic copy)
(b) (6) SEIAO (via electronic copy)
(b) (6), DCS (via electronic copy)
Mr. Paul Wolseley, EARO (via electronic copy)
Washington, D. C. FSIS HQ personnel (via electronic copy)