



United States Department of Agriculture

Food Safety and Inspection
Service

February 13, 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
#771284592921**

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

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Ms. Bays:

On January 25, 2023, a "Notice of Suspension" was issued 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. Specifically, 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 February 3, 2023, you submitted your first response with written corrective actions and preventive measures to meet the requirements of the Humane Methods of Slaughter Act. The Jackson District Office analyzed your response and advised you that the proffered corrective actions and preventive measures were not adequate. Specifically, you were informed that you should provide images, documentation and any supporting documentation for your proposed halter system; provide the training materials to address specific training/monitoring components for verifying insensibility following the stun, an efficient stun to stick interval, post-stun insensibility monitoring, and ensuring no unnecessary delays throughout the stun, sticking, hoisting and bleeding process; provide any additional in-person shadowing/training for the stun operator since January 25, 2023; provide any planned increased monitoring activities including any associated logs; provide landmark charts used as reference for your stun operator;

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provide confirmation that all of your stunning personnel to complete proffered training prior to resumption of inspected slaughter and any associated logs attesting to completion of said training; provide confirmation that any new stun personnel will be required to complete proffered training prior to acting as your stun operator; provide information for any routine periodic refresher training of approved stunning personnel; provide your written Standard Operating Procedures (SOP) for primary and backup stun device selection; provide ammunition selection criteria SOP for beef stunning that ensures adequate kinetic energy delivery at the point of the stun to render the animal immediately insensible; provide your written SOP for any procedures and description of dry box storage for ammunition/charges; provide procedures for first-in first-out usage of ammunition to ensure that oldest ammunition is utilized first; provide any testing procedures for newly procured ammunition before being utilized with inspected slaughter.

On February 8, 2023, you submitted your second response with written corrective actions and preventive measures to meet the requirements of the Humane Methods of Slaughter Act. The Jackson District Office analyzed your response and informed you that your responses were not adequate. Specifically, you were informed that you should provide the titles, topics and available links for your training videos and include this information on your signed and dated confirmation of stunning training "Training Record" log to verify prior to resumption of inspected slaughter; and provide information for your referenced stun devices.

On February 10, 2023, you provided your third response. The Jackson District Office analyzed your response and determined that the response adequately addressed the identified issues. On February 10, 2023, at approximately 1:00PM CST, the Deputy District Manager telephoned you and verbally notified you that the corrective actions and preventive measures you proffered were adequate to meet the requirements to place Moonlight Meat Processing, Est. M33845, under a "Notice of Suspension Held in Abeyance." This letter formally informs you of this action. Specifically, you stated the root cause for the humane handling event was that your slaughter employee felt rushed and the animal was able to move around too much; you stated that your establishment will utilize the proffered head chute with a secondary chain halter head restraint for all inspected beef slaughter; you stated that on rare occurrences where cattle horns prohibit the use of the head chute, your establishment will not proceed with stunning the animal until it is standing calmly in the chute; you stated that your establishment will deliver a safety shot for all inspected slaughter; you stated that upon 90 days of resumption of Federal slaughter, you (the Owner) will observe every stun and in the event that you are absent, your Plant Manager will witness every stun; you provided your "Moonlight Meat Processing, Inc. Systematic Approach to Humane Handling" which states that you will make a monthly review of your handling facilities and procedures using your "Humane Handling Checklist" and will address any issues that need attention at that time and record your actions on the back of the form which will be available for FSIS review at any time; you stated that your "Stunning Observation Record" will be performed on 3 federal kills per month and your "Record of Stunning Equipment Cleaning and Maintenance" will be performed once per week; you stated that any new slaughter personnel will receive the proper training before being allowed to work on the slaughter floor; you stated that you will continue to perform Humane Handling training at least once every month which will be documented on your "Record of Humane Handling Training" log; you stated that when new ammunition is received, it will be inventoried and logged on your "Ammunition Log" which records the date received as well as descriptive characteristics of the ammunition; you stated that ammunition will always be used on a first-in-first-out basis using the "Ammunition Log"; you stated that boxes of ammunition will be stored in your gun safe which is located in your office; you stated that each morning, the appropriate number of shells for the day's kills (2 per animal) plus one will be placed in your dry box and given to your slaughter employee; you stated that at the end of the day, your dry box will be returned

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to your gun safe to be used the following day; you stated that at any point that your slaughter employee needs an additional shell for any reason, your employee will get it from you (Plant Owner) or your Plant Manager; you stated that the rifles being used to stun the animals will be stored in your gun safe in your office; you stated that two rifles will be used to facilitate the initial shot and then the second safety shot; you stated that at the end of the day, the rifles will be wiped down and returned to your safe for overnight storage; you stated that once a week, cleaning and maintenance will be performed on both rifles and recorded on your "Record of Stunning Equipment Cleaning and Maintenance" log; you provided the following forms/documents for FSIS review: Humane Handling Checklist, Stunning Observation Record, Record of Humane Handling Training log and Training Record, Ammunition Log, Record of Stunning Equipment Cleaning and Maintenance, and landmark charts that will be posted on the wall next to your establishment's kill chute for review by your stun operator; you provided the training video information; all ammunition used for federal kill will be 410 ga with a single frangible projectile (slug) and it slugs are not available then shells will have no more than three projectiles; and you currently use two .410 shotguns for all stuns and plan to move to captive bolt in the future.

A copy of the FSIS Verification Plan (VP) will be provided 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 and preventive measures stated in your February 3, February 8, February 10, 2023, responses and that these revisions and corrective actions and preventive measures are effective in ensuring future regulatory compliance. The FSIS Verification Plan identifies your corrective actions, the regulatory requirement(s), and the PHIS Task under which FSIS officials will verify the implementation and effectiveness of your proffered action plan.

Please be further advised that this 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. Agency personnel will begin immediate verification of your corrective actions and preventive measures.

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. In these situations, FSIS personnel will take regulatory control of product or other appropriate action.

Please be advised that as a federally inspected establishment, you are expected to comply with the Federal Meat Inspection Act and the Humane Methods of Slaughter Act, and all applicable regulations and other requirements concerning the preparation, sale, and transportation of meat products. Failure to comply with these requirements or to effectively implement the measures addressed in your responses, dated February 3, February 8, February 10, 2023, could result in the immediate suspension of inspection at your establishment or other appropriate action(s).

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

Sincerely,

CHERYL HENRY

Digitally signed by CHERYL HENRY
Date: 2023.02.13 07:11:45 -0600

for:

Dr. Larry Davis

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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)