



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

CERTIFIED MAIL

July 3, 2024

Bobby McDaniel Jr., Owner
Hemingway Locker Plant, LLC Est. M34181
202 South Main Street
Hemmingway, South Carolina 29554

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Mr. McDaniel:

On July 2, 2024, 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 Hemingway Locker Plant, LLC, Est. M34181, located at 202 South Main Street, Hemmingway, South Carolina 29554. This action was based on your establishment's failure to handle livestock humanely according to 9 CFR Part 313.

On July 2, 2024, you submitted written corrective actions and preventive measures to meet the requirements of the Humane Methods of Slaughter Act. Your corrective actions and preventive measures included: the stunner was removed from that position and a different employee assigned to be the stunner; the replacement stunner was retrained on the importance of being patient and waiting for the right time to stun a hog, what happens if the first stun is not effective, and if the first stun is not effective to immediately stun with the 2nd back-up gun; you provided a copy of this statement for retraining; only the replacement stunner and yourself will be allowed to stun animals; both stun guns will be broken down on July 2, 2024 for maintenance to include cleaning the components and replacing any parts showing wear and tear and will be completed on an as-needed basis to prevent mechanical issues; you provided a copy of the stun gun maintenance log; by July 5, 2024 a camera will be up on the kill floor and in the knock box; and you provided a copy of a hog stunning chart which requires observation of stunning once per hour.

On July 2, 2024, FSIS determined that the proffered corrective actions and

preventive measures submitted were not adequate to address the inhumane handling incident and clarification was requested. Specifically, FSIS requested you to: clarify the cause of the ineffective first shot; provide a copy of the information used to retrain your employees; provide record of retraining for each employee that will stun animals; to clarify the frequency of gun and back-up gun maintenance; to provide the training given to employees completing the hog stunning chart that will be verifying humane handling; and to clarify the number of hogs monitored per hour, how many hours you slaughter per day, and how many approximate head are slaughtered per day.

On July 2, 2024, you submitted your second response to provide clarification to your proffered corrective actions. Your response included: a copy of the information used to retrain your employees in proper humane handling to include FSIS Directive 6900.2 Revision 3 along with USDA Humane Handling: Consciousness and Stunning training; the cause of the first stun being ineffective due to malfunction of the stun gun; clarification of the assigned stunning employee with signature of completed training; clarification of maintenance of guns being completed once per week; clarification that while monitoring humane handling, the employee will verify that each animal is unconscious (no righting reflex, no vocalization & no tracking eye movement); clarification that slaughter of hogs only occurs (b) (4), approximately (b) (4) hogs, for approximately (b) (4) hours of slaughter; and clarification that monitoring of stunning effectiveness will be performed on (b) (4) minutes.

On July 3, 2024, you were verbally notified by (b) (6), Frontline Supervisor (FLS), that the corrective actions and preventive measures met the requirements to place Hemingway Locker Plant, LLC, Est. M34181 in Abeyance and that a Notice of Suspension Held in Abeyance (NOSHA) and a 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.

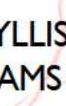
A copy of the FSIS Verification Plan is attached to assist you in understanding the nature and importance of the agency's verification activities. The FSIS Verification Plan is

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.

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,

 Digitally signed
by PHYLLIS
ADAMS
ADAMS Date: 2024.07.03
09:02:47 -04'00'

Dr. Phyllis Adams
District Manager

Mr. Bobby McDaniel Jr., Owner
Hemingway Locker Plant, LLC Est. M34181

Notice of Suspension Held in Abeyance
July 3, 2024

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
(b) (6), SPHV
(b) (6), SPHV
FO/Quarterly Reports