



Food Safety and
Inspection Service

Office of Field Operations

Philadelphia District
Mellon Independence
Center,
701 Market Street Suite
4100-A
Philadelphia, PA 19106

Electronically Submitted on April 28, 2023
FedEx Tracking: 7719 9813 9730

Mr. Samuel Rowse, Owner
The Local Butcher LLC (Est. M45176)
536 South Barnstead Road
Center Barnstead, New Hampshire 03225
newenglandwagyu@gmail.com
(b) (6) [@aol.com](mailto: @aol.com)
(603) 813-2054

NOTICE OF SUSPENSION HELD IN ABEYANCE

Attention: Mr. Samuel Rowse, Owner

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our decision to place the suspension action at The Local Butcher (Est. M45176), located at 536 South Barnstead Road Center Barnstead, New Hampshire 03225 in abeyance.

The decision to institute the abeyance was made in accordance with the Rules of Practice, Title 9 of the Code of Federal Regulations (9 CFR) Part 500.5 part (e).

In response to the Notice of Suspension (NOS), you submitted proposed corrective actions and preventative measures on April 26, 2023. On April 27, 2023, FSIS requested clarification on the responses. On April 27, and April 28, 2023 you submitted responses to the clarification request which included corrective actions and program updates.

Your corrective and preventative measures include but are not limited to:

1. Review our Robust Systematic Approach to Humane Handling to ensure moving forward that we have a foolproof robust systematic slaughter approach, to be updated in the coming weeks.
2. Review all steps to be taken in the event of a missed stun.
3. We will add to our SOP for animal consciousness or signs of death, additional checks to be used in addition to our corneal reflex test.
4. We will mark the animals target stunning location for 30 days and continue using our stunning techniques, x marks the spot from the from top of the eyes to center of the horns and ensure that the angle of the stunner is positioned correctly, with a perpendicular placement on the skull for each stun.
5. We will split a beef skull for training and education purposes, for all slaughter floor employees to see and understand, two beef heads per day

- the first week, one beef head per day for the second week and two beef heads per week for the rest of the 90 days and two beef heads quarterly thereafter.
6. We are going to send our Slaughter Floor Manager to a North American Meat Institute Animal Care and Handling Conference in person on May 25th and 26th in Kansas City Missouri.
<https://www.meatinstitute.org/index.php?ht=d/sp/i/10422/pid/10422>
 7. Each beef will be stunned first with a 44-magnum rifle, for the 90 days and continued thereafter.
 8. Each beef will be security stunned with a captive bolt stunner for the 6 weeks.
 9. Create and implement a log/checklist to verify; accuracy of placement and angle of the stunner, two-part verification for animal consciousness, to be used on every slaughter and beef head splitting. Attached a copy of the Stun Marking and Animal Consciousness Log
 10. Create and implement a check list for slaughter floor employee training to include hours logged and to be signed off on by a plant manager, biweekly for the next 90 days, and then quarterly thereafter. Attached a copy of the Training and Material Review Log.
 11. Revise the Stunning Log to include a security stun on every beef for 6 weeks. Attached a copy of the Stunning Log.
 12. Support Documents for Humane Handling:
<https://www.grandin.com/humane/cap.bolt.tips.html>
[How to Determine Insensibility \(Unconsciousness\) in Cattle, Pigs, and Sheep in Slaughter Plants \(grandin.com\)](https://www.grandin.com/humane/cap.bolt.tips.html)

FSIS has carefully reviewed your responses and made the decision to place the NOS in abeyance. FSIS has designed a Verification Plan (VP), and Inspection Program Personnel (IPP) will use it to monitor and verify that you have effectively implemented your proposed actions. The VP identifies your corrective actions based on your responses, the relevant regulatory requirements, the tasks IPP will use to conduct verification activities, and the time frames that you identified. IPP will continue to ensure all humane handling/stunning regulatory requirements of 9 CFR Part 313 are in regulatory compliance. We have attached a copy of the VP to assist you as a reference during the Agency's verification activities.

A final decision relative to this enforcement action will be determined based on your establishment's ability to execute and comply with your proffered corrective actions and all applicable regulatory requirements. Your establishment's failure to meet the conditions of this abeyance may result in additional regulatory and/or administrative actions in accordance with the Rules of Practice 9 CFR Part 500.

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 or by fax at (215) 597-4217.

Sincerely,

JASON
ORLANDO

Digitally signed by
JASON ORLANDO
Date: 2023.04.28
16:49:16 -0400

Mr. Jason Orlando
District Manager

**The Local Butcher, LLC (EST M45716) Verification Plan
April 28, 2023**

ESTABLISHMENT ACTION PLAN	9 CFR REGULATION	HUMANE HANDLING VERIFICATION CATEGORY	FREQUENCY
<p>1. Each beef will be stunned first with a 44-magnum rifle, for the 90 days <u>and continued thereafter</u>. Each beef will be security stunned (secondary stun) with a captive bolt stunner for the 6 weeks once the Abeyance is instituted. Results to be documented on the Stunning Log to include a security stun on every beef for 6 weeks. *Stunning Log</p>	<p>313.16 313.15</p>	<p>Category VIII – Stunning effectiveness</p>	<p>1. Upon implementation, April 28, 2023, and Each beef slaughter day.</p>
<p>2. Establishment slaughter employees <u>will mark the animals target stunning location for 30 days</u> and then continue their stunning techniques, x marks the spot from the from top of the eyes to center of the horns and ensure that the angle of the stunner is positioned correctly, with a perpendicular placement on the skull for each stun.</p> <p>2A. Establishment management implements a log/checklist to verify: Accuracy of placement and angle of the stunner, two-part verification for animal consciousness, to be used on every slaughter and beef head splitting. *Stun Marking and Animal Consciousness Log</p>	<p>313.16 313.15</p>	<p>Category VIII – Stunning effectiveness</p>	<p>2. Upon implementation, April 28, 2023, and Each beef slaughter day, for the first 30 days of the Abeyance.</p> <p>2A. Upon implementation, April 28, 2023, and Each beef slaughter day thereafter.</p>
<p>3A. Establishment personnel will split a beef skull for training and education purposes, for all slaughter floor employees to see and understand: i) Two beef heads per day the first week (of Abeyance). ii) One beef head per day for the second week (of Abeyance). iii) Two beef heads per week for the rest of the 90 days (of Abeyance) iv) Two beef heads quarterly thereafter.</p> <p>3B. Establishment management implements</p>	<p>313.16 313.15</p>	<p>Category VIII – Stunning effectiveness</p>	<p>3A-B. Upon implementation, April 28, 2023, and Each occurrence.</p>

<p>a check list for slaughter floor employee training to include hours logged and to be signed off on by a plant manager, biweekly for the next 90 days, and then quarterly thereafter.</p> <p>*Employee Training and Material Review Log.</p>			
<p>4. Establishment Slaughter Floor Manager to attend the North American Meat Institute Animal Care and Handling Conference in person on May 25th and 26th in Kansas City Missouri.</p>	<p>313 (<i>et seq</i>)</p>	<p>Category VIII – Stunning effectiveness</p>	<p>4.Confirmation by June 1, 2023.</p>

Humane handling verification every slaughter operation day to verify the adequacy and effectiveness of the establishment’s compliance with the humane handling regulatory requirements of 9 CFR Part 313.

***Inspection Program Personnel will review all monitoring, verification, and corrective action records to verify procedures are being conducted as prescribed and at the specified frequency.**

Cc:

Mr. Paul Wolseley, EARO, FSIS, OFO, Washington, DC

Ms. Melissa Moore, EARO, FSIS, OFO, Washington, DC

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

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

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

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

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

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