



United States Department of Agriculture

Food Safety and  
Inspection Service

Alameda District  
800 Buchanan St.  
Albany, CA 94710

Phone: (510) 769-5712

Fax: (844) 622-0081

December 6, 2022

Mr. Nunzio Femino, Owner  
Messina Meats  
Establishment M45422  
1230 Highway 99 West  
Orland, CA 95963

E-mail: [MessinaMeat@hotmail.com](mailto:MessinaMeat@hotmail.com)

(b) (6)

## NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Femino:

On December 1, 2022, the Food Safety and Inspection Service (FSIS), Alameda District, verbally notified your establishment of the suspension of the assignment of inspectors at your establishment for the Slaughter operations in accordance with 21 U.S.C. 603 of the Federal Meat Inspection Act (FMIA) and FSIS Rules of Practice, Title 9 Code of Federal Regulations (CFR) Part 500.3(b). This action was initiated due to your firm's failure to maintain or implement required controls to prevent the inhumane handling and slaughter of livestock in connection with slaughter at your establishment, and failure to appropriately stun an animal prior to slaughter in accordance with Title 9 CFR Part 313.30(a)(1), 313.30(a)(3), 313.30(b)(1), and 313.30(b)(3). This was a noncompliance with 21 U.S.C. 603(b) of the Federal Meat Inspection Act, the Humane Methods of Slaughter Act of 1978, and the regulations promulgated thereunder.

From December 1, 2022, through December 5, 2022, your establishment submitted written responses to the Alameda District Office (ADO) containing the immediate corrective actions and further preventive measures in response to the Notice of Suspension (NOS) issued to your establishment on December 1, 2022.

Based on your written and verbal commitments provided from December 1, 2022, through December 5, 2022, in response to the NOS, FSIS has decided to hold the Suspension in Abeyance to allow your establishment the opportunity to implement your proposed corrective actions and preventive measures. This letter confirms the verbal notification provided to your establishment on December 5, 2022, by the FSIS ADO management team.

During this Abeyance period, FSIS will continue to verify, assess, and evaluate the effectiveness of the corrective actions you have implemented to assure that all proffered corrective actions are followed and that your programs are adequate to assure that livestock at your establishment are

handled and slaughtered humanely, in accordance with the FMIA, the Humane Methods of Slaughter Act, and the regulations promulgated thereunder.

FSIS designed a Verification Plan to verify that your establishment fully implements and follows the corrective actions and preventive measures that your establishment proffered in response to the NOS. The Verification Plan, which is enclosed with this letter, identifies your action plan, the relevant regulatory requirements, and the Public Health Information System (PHIS) tasks and frequencies under which FSIS officials will verify each corrective action. Please be advised that only FSIS can amend the Verification Plan, and should your establishment make any modifications to your animal handling and slaughter program or your submitted corrective actions during the Abeyance period, you will need to submit these changes, in writing, to FSIS for verification of compliance prior to your establishment implementing these changes.

You are reminded that as an operator of a federally inspected facility, you are expected to comply with the Federal Meat Inspection Act (FMIA) and the regulations promulgated thereunder to ensure that livestock at your establishment are handled and slaughtered humanely. The regulations require establishments to take appropriate action(s) when either the establishment or FSIS determines that the establishment's system controls for humane handling requirements are ineffective.

It is also important for you to understand that FSIS has the responsibility to initiate actions if your establishment fails to operate, in accordance with the regulations, or conditions occur that may render products unwholesome or adulterated. In these situations, FSIS personnel will continue to take regulatory control of product and/or other administrative enforcement action.

FSIS has the authority to reinstate the suspension or withholding action if your establishment fails to implement your proposed corrective actions and preventive measures or if the corrective actions and preventive measures are not effective.

Please be advised that your failure to comply with regulatory requirements, to implement the corrective actions in your action plan, and/or to notify this office in writing of any changes to your action plan may result in the immediate reinstatement of the suspension of inspection or withholding action at your establishment.

In accordance with Title 9 CFR 500.5(a)(5), you may appeal this action by contacting:

Sherri N. Johnson  
Executive Associate for Regulatory Operations  
Office of Field Operations  
Food Safety and Inspection Service  
United States Department of Agriculture  
1400 Independence Avenue, SW

SB, Room 1330A  
Washington, DC 20250  
Phone: (202) 379-6196

If you have any questions, please contact the Alameda District Office at (510) 769-5712.

Sincerely,

*/s/ Frank Gillis*  
*Deputy District Manager*  
*(for)*

William Griffin  
District Manager

cc:

V. Felix, DDM

F. Gillis, DDM

A. Ahmed, Acting DDM

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S. Johnson, EARO  
S. Baucher, IEA, RD  
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