



April 28, 2023

JMF Slaughter (Mobile Unit)
Establishment M47369
835 Chileno Valley Road
Petaluma, CA 94952
Email: jmfslaughter@yahoo.com
Telephone Number: (707) 888-3388

ELECTRONIC MAIL on April 28, 2023

Attention: John Manuel Fagundes, Owner

NOTICE OF REINSTATEMENT OF SUSPENSION HELD IN ABEYANCE

On April 25, 2023, the Food Safety and Inspection Service (FSIS), Alameda District Office (ADO), verbally notified your establishment of our decision to withhold the federal marks of inspection and suspend the assignment of Inspection Program Personnel (IPP) for slaughter at JMF Slaughter (Mobile Unit), Establishment M47369, located at 835 Chileno Valley Road, Petaluma, CA 94952. The ADO issued a Notice of Reinstatement of Suspension letter to follow verbal notification of the suspension action, provided by Virginia Felix, Deputy District Manager to you, Mr. John Fagundes, Owner, at approximately 1545 hours on April 25, 2023.

The decision to institute this enforcement action is in accordance with Title 9 of the Code Federal Regulations (CFR), Rules of Practice 500.3(b), and Federal Meat Inspection Act (FMIA) 21 United States Code (U.S.C.) 603, the Humane Methods of Slaughter Act (HMSA) (7 U.S.C. 1901 *et seq.*), and the regulatory requirements (9 CFR Part 313). This action is based on the determination that your establishment failed to handle or slaughter animals humanely in accordance with Title 9 CFR 313.30(a)(4).

These observations indicate that the corrective actions and preventative measures you proffered in your response to the Notice of Suspension (NOS) initiated on February 13, 2023, which was also issued for your establishment's failure to handle or slaughter animals humanely, were ineffective and/or not implemented.

From April 25, 2023, through April 26, 2023, 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 Reinstatement of Suspension (NROS) issued to your establishment on April 25, 2023.

Based on your written and verbal commitments provided from April 25, 2023, to April 26, 2023, in response to the NROS, FSIS has decided to hold the Reinstatement of 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 April 26, 2023, by the FSIS Alameda District Office management team.

During this Abeyance period, FSIS will continue to verify, assess, and evaluate the effectiveness of the corrective actions you have implemented to ensure that all proffered corrective actions are followed and that your programs are adequate to ensure 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 welfare programs during the Abeyance period, you should 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 FSIS 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.

Appeal and Hearing Rights

You have the right to appeal this matter and can do so by contacting:

Sherri N. Johnson,
Executive Associate for Regulatory Operations
Office of Field Operations

John Manuel Fagundes, Owner

Notice of Reinstatement of Suspension
Held in Abeyance

JMF Slaughter (Mobile Unit), Est. M47369

April 28, 2023

Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Avenue, SW
SB, Room 1330A
Washington, DC 20250
Email: sherri.johnson@usda.gov
Phone: (202) 379-6196

If you have any questions, please call the Alameda District Office at (510) 769-5712, by fax at (844) 622-0081, or via electronic mail at AlamedaDistrictOffice@usda.gov.

Sincerely,

*/s/ Virginia Felix, DVM
Deputy District Manager
(for)*

William Griffin
District Manager

cc: S. Johnson, EARO
(b) (6), Humane Handling Enforcement Coordinator
S. Baucher, OIEA Regional Director
V. Felix, DDM
F. Gillis, DDM
G. Abreu, DDM
(b) (6), SEIAO
(b) (6), DCS
(b) (6), acting DVMS
(b) (6), Acting FLS
(b) (6), EIAO
IIC, SPHV at Est. M47369
FO/Quarterly Reports