



March 9, 2024

Herscher Halal Meat Locker
Est. M47553
11260 W. State Route 115
Herscher, IL 60941
herscherhalalmeatlocker@gmail.com
(708) 712-0877

HAND DELIVERED on 03/11/2024
ELECTRONIC MAIL on 03/09/2024
FEDEX TRACKING #775479558994

Attention: Mr. Azme Taha, Owner

NOTICE OF SUSPENSION

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our decision to withhold the federal marks of inspection and suspend the assignment of Inspection Program Personnel (IPP) at Herscher Halal Meat Locker, Est. M47553, located at 11260 W. State Route 115. This letter follows verbal notification of the suspension action, provided by Dr. Donald Fickey, District Manager, to you, Mr. Azme Taha, Owner, at approximately 12:30 PM CST on March 8, 2024. This action includes your Slaughter Hazard Analysis Critical Control Point (HACCP) processes employed at your establishment.

The decision to institute this enforcement action is in accordance with Title 9 of the Code of Federal Regulations (CFR), Rules of Practice 500.3(b), based on the determination that your establishment did not handle or slaughter animals humanely. The evidence demonstrates failure to comply with the Federal Meat Inspection Act (FMIA) (21 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).

Background/Authority

The FMIA (21 USC 601 *et seq.*) provides it is essential to the public interest that the health and welfare of consumers be protected, by assuring meat products distributed to them are wholesome, not adulterated, and properly marked, and labeled. The Act gives FSIS the authority, as designated by the Secretary of Agriculture, to prescribe rules and regulations describing sanitation requirements for inspected establishments and provide FSIS program personnel the authority to refuse to allow meat/meat food products to be marked, labeled, stamped, or tagged as *inspected and passed*, to prevent the entry of adulterated products into commerce. Furthermore, the FMIA provides FSIS the authority to appoint inspectors to examine and inspect the method by which livestock are slaughtered and handled at slaughtering establishments.

The HMSA provides that Congress finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce. It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

Under the authority of the Acts, FSIS has prescribed rules and regulations required for establishments handling and slaughtering livestock, as required by 9 CFR Part 313. FSIS has also developed the Rules of

Practice regarding administrative enforcement, 9 CFR Part 500. The Rules of Practice describe the types of enforcement actions that FSIS may take and include procedures for taking a withholding action and/or suspension, with or without prior notification, and for filing a complaint to withdraw a grant of inspection. Specifically, 9 CFR 500.3(b) states that FSIS may impose a suspension without providing prior notification due to handling or slaughtering of animals inhumanely.

Findings/Basis for Action

On March 8, 2024, at approximately 1030 hours CST, the Food Inspector (FI) observed establishment employees bring a veal calf into the knock box for slaughter. The employees were having difficulty getting the animal to walk all the way into the restrainer so that the head could be secured for ritual slaughter. The establishment employees decided to get the hand-held captive bolt gun to use on the animal while it was freestanding in the knock box. Their first stunning attempt was placed on the side of the head by the horn and was ineffective at rendering the animal insensible. The veal calf went down and then stood back up, walked back and forth a bit, was looking around, and was rhythmically breathing. The FI then observed establishment personnel not responding appropriately with any corrective action attempt to render the animal insensible. It was only after the FI informed the plant manager and the establishment employee that the animal was still conscious and the establishment needed to implement corrective actions that establishment personnel reloaded the captive bolt gun and implemented a second stunning attempt, which rendered the animal insensible. Regulatory control was taken at the knock box and the ritual shackling pen, and U.S. Retained tags B40538140 and B40538134 were applied, respectively. Mr. Azme Taha, Owner, was informed of the observations.

On September 9, 2004, FSIS published "*Humane Handling and Slaughter Requirements and the Merits of a Systematic Approach to Meet Such Requirements*" in the Federal Register (69 FR 54625). On September 24, 2020, FSIS released FSIS Directive 6900.2 Revision 3, entitled, "*Humane Handling and Slaughter of Livestock*." Additionally, on October 23, 2013, FSIS introduced new guidance, titled "*FSIS Compliance Guide for a Systematic Approach to the Humane Handling of Livestock*." Within the guidance material is information intended to better ensure the humane treatment of livestock presented for slaughter. The guidance material provides a set of practices designed to minimize excitement, discomfort, and accidental injury regarding the humane handling of livestock to include the four components of a robust systematic approach to humane handling.

When an establishment maintains a robust humane handling program, FSIS can exercise regulatory discretion when an inhumane handling or slaughter incident is observed. You do not currently maintain a written humane handling program for consideration.

Summary and Conclusion

Provisions of the FMIA outline FSIS' ability to refuse to render inspection and indefinitely withdraw inspection from an establishment, provided the establishment is afforded the right to an administrative hearing, when conditions exist where the handling and/or slaughter of livestock was not by a method in accordance with the Act(s). Evidence demonstrates your failure to meet regulatory requirements addressed in 9 CFR 313.15(a)(1) and 313.15(b)(1)(iv), constituting a violation of the humane slaughter requirements, and supporting the conclusion that your handling of livestock violated the provisions of the FMIA and HMSA.

Please provide a written response to the Chicago District Office which address the following:

- Evaluate and identify the nature and cause of the incident.
- Describe the specific actions taken to eliminate the cause of the incident and prevent future recurrences.
- Describe specific monitoring activities planned to ensure future compliance.
- Provide any supporting documentation and records maintained and/or associated with the proposed corrective actions and preventive measures.

A determination of further administrative action will be made upon receipt and review of your submitted corrective actions and preventative measures. You are reminded that, as an operator of a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent the production of or adulterated products at your establishment. Please be advised that your failure to respond adequately to these issues may result in our initiating action to withdraw inspection from your establishment.

Appeal and Hearing Rights

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

Ms. Karen Hunter
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
SB, Room 3129
1400 Independence Avenue, SW
Washington, DC 20250
Email: karen.hunter@usda.gov
Phone: (202) 499-0275

Pursuant to 9 CFR 500.5(d), you may also request a hearing regarding this determination. Should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing. If you wish to request a hearing regarding this determination, please contact:

Scott C. Safian, Director
Enforcement Operations Staff (EOS)
Office of Investigation, Enforcement and Audit (OIEA)
Food Safety and Inspection Service
United States Department of Agriculture
Stop Code 3753, SB - Room 2148
1400 Independence Avenue, SW
Washington, DC 20250
Telephone: (202) 418-8872
Facsimile: (202) 245-5097
E-mail: AEBCorrespondence@usda.gov

Mr. Azme Taha, Owner
Herscher Halal Meat Locker, Est. M47553

Notice of Suspension
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If you have any questions, please contact (b) (6), District Veterinary Medical Specialist (DVMS), at (b) (6) or electronic mail at (b) (6) [@usda.gov](mailto:(b) (6)@usda.gov). Additionally, you may contact the Chicago District Office at (630) 317-1293.

Sincerely,

DONALD
FICKEY

Digitally signed by
DONALD FICKEY
Date: 2024.03.09
05:32:35 -06'00'

Dr. Donald B. Fickey
District Manager
FSIS Chicago District

Mr. Azme Taha, Owner
Herscher Halal Meat Locker, Est. M47553

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cc: K. Hunter, EARO
D. Fickey, DM
(b) (6), Humane Handling Enforcement Coordinator
OIEA Regional Director
T. Davis, DDM
B. Cranford, DDM
G. Welcher, DDM
(b) (6), SEIAO
(b) (6), DCS
(b) (6), DVMS
(b) (6), FLS
(b) (6), IIC at Est. M47553
FO/Quarterly Reports