



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 7, 2022

Mr. David Evans, Co-Executive Officer
Marin Sun Farms Inc.
Establishment M48087
1522 Petaluma Blvd. North
Petaluma, CA 94952

E-mail: david@marinsunfarms.com

LETTER OF DEFERRAL

Dear Mr. Evans,

On December 5, 2022, the Food Safety and Inspection Service (FSIS), Alameda District, verbally notified your establishment of the intent to withhold the marks of inspection and suspend the assignment of inspectors for the slaughter operations at your establishment, in accordance with 21 United States Code (U.S.C.) 603(b) of the Federal Meat Inspection Act and 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 slaughtering of livestock at your establishment and to appropriately handle animals in accordance with Title 9 CFR Part 313.30(a)(4). This was in violation of 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 5, 2022, through December 7, 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 Intended Enforcement (NOIE) issued to your establishment on December 5, 2022.

Based on your written commitments provided from December 5, 2022, through December 7, 2022, in response to the NOIE, FSIS has decided to hold the NOIE in Deferral to allow your establishment the opportunity to implement the proposed corrective actions and preventive measures. This confirms the verbal notification provided to your establishment on December 7, 2022, by the ADO management team.

During this Deferral 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 NOIE. 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 want to make any modifications to your corrective action plan during the Deferral period, you must 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 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.

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 our initiating further administrative enforcement actions.

If you have any questions, please call 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

(b) (6)

S. Johnson, EARO

S. Baucher, IEA, RD

USDA, IIC, Est. M48087

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