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October 19, 2023

Mr. Ken Rush, Establishment Owner
Kingdom Provisions, LLC (Est. M -53882)
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NOTICE OF SUSPENSION

Attention: Mr. Ken Rush, Establishment Owner

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 **Kingdom Provisions, LLC**, Est. M-53882, located at 5960 Durham Road, Pipersville, Pennsylvania 18947. This letter follows verbal notification of the suspension action, provided by Dr. Chelsea Buckley, Deputy District Manager (DDM) to Mr. Ken Rush, Establishment Owner at approximately 1509 hours on October 19, 2023. 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 slaughtering and handling 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

At approximately 1400 hours on October 19, 2023, the Consumer Safety Inspector (CSI) observed the following on the slaughter floor at Kingdom Provisions (Est. 53882). The slaughter floor supervisor informed the FSIS CSI that he was going to use a firearm on the animal. The CSI informed the Food Inspector as well and they both moved to the opposite side of the slaughter floor wall. The inspector heard two shots and then looked around the side of the wall to observe. He observed the steer being released from the knock box. As the steer was rolling out, he was actively vocalizing. The establishment employee shackled the steer's right rear leg. The steer righted itself and stood on 2-3 legs. It then began to charge the establishment employee that had been standing on the floor to cut the animal. The employee was shoved backward. An establishment employee quickly continued hoisting the conscious animal and a separate establishment employee slit the throat and the animal bled out. The steer was actively vocalizing throughout the incident prior to being cut. The FSIS Inspector immediately tagged the knock box with tag number B37427151 and contacted the supervisory chain. The inspector then checked the steer's head and there were two bullet holes, one above the other. This establishment does not have a Robust Systematic Written Approach.

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 slaughter and/or handling 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 313.16(a)(1) and 313.16(a)(3) 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, inclusive of written corrective action and preventative measures, by addressing the following:

- Evaluate and identify the nature, 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 preventative 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:

Melissa Moore
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 1222
Washington, DC 20250
Email: melissa.moore1@usda.gov
Phone: (202) 450-0330

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

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.

Sincerely,
**CHELSEA
BUCKLEY**
Mr. Jason Orlando
District Manager

 Digitally signed by CHELSEA
BUCKLEY
Date: 2023.10.19 19:08:24 -04'00'