



November 12, 2024

Kleemeyer & Merkel, Inc.

M5439

68 Britten Road

Green Village, New Jersey 07935

(b) (6)@aol.com; (b) (6)@aol.com

973-377-0875

ELECTRONIC MAIL on November 12, 2024

Attention: Timothy Nugent (Owner), Bill Kleemeyer (Manager)

NOTICE OF SUSPENSION HELD IN ABEYANCE

On November 6, 2024, your establishment received official notification from the Food Safety and Inspection Service (FSIS) of the suspension of the assignment of inspection personnel for slaughter operations at Kleemeyer & Merkel, Inc., Est. M5439. The decision to suspend inspection at your establishment was based on the determination by FSIS that your establishment failed to slaughter and handle animals humanely.

On November 7, 2024, you provided FSIS with proposed responses to the suspension action. Your responses outlined written corrective and preventive measures to bring your establishment into compliance with humane handling of livestock requirements and to achieve compliance with the Federal Meat Inspection Act (FMIA) (Title 21 of the United States Code {21 U.S.C} 603), the Humane Methods of Slaughter act of 1978 (HMSA) (7 U.S.C. 1901 et seq.), and federal regulations {Title 9 of the Code of Federal Regulations (9 CFR) parts 313}. Based on your submitted written assurances, we have determined that the suspension of the assignment of inspectors for slaughter operations at your plant will be held in abeyance, in accordance with 9 CFR Part 500.5(e).

The suspension will remain in abeyance pending verification by FSIS that your proposed corrective and preventive measures have been effectively implemented. Plant personnel should monitor operations to prevent violations of humane handling and slaughter from occurring in the future. It is also important for you to understand the responsibility of FSIS to initiate action when there is a failure to operate in accordance with 9 CFR Part 313 of the regulations.

A copy of the FSIS Verification Plan is enclosed to assist you in understanding the nature and importance of the Agency's verification activities. This FSIS Verification Plan is designed to verify that your establishment fully implements the corrective actions proffered in your proposed corrective actions, and that these revisions and corrective actions are effective in assuring ongoing regulatory compliance. It identifies your corrective action elements, the relevant regulatory requirements, the PHIS task under which corrective action elements will be verified, and the monitoring frequency. Only FSIS can amend the verification plan and any modifications to your submitted acceptable corrective actions made during the abeyance period will need to be submitted in writing to FSIS for verification of compliance prior to implementation by your establishment. FSIS will begin verification of your proposed actions before startup of your next scheduled slaughter.

Timothy Nugent, Owner
Kleemeyer & Merkel, Inc.

Notice of Suspension Held in Abeyance
November 12, 2024

Please be advised that, as a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective action to prevent Inhumane Handling of Livestock at your establishment. Your failure to comply with these requirements or to implement the measures in your action plan could result in reinstatement of the suspension of inspection at your establishment or other appropriate administrative or legal action.

If you have any questions, please contact Heather Havens, Deputy District Manager (DDM) via telephone at 510-872-1333 or via electronic mail at Heather.Havens@usda.gov. Additionally, you can contact Raleigh District Office at 919-844-8400.

Sincerely,

**HEATHER
HAVENS**

Digitally signed by
HEATHER HAVENS
Date: 2024.11.12
11:19:08 -05'00'

Todd Furey
District Manager

cc: W. Griffin, EARO/FO
J. Priore, RD/CID/OIEA
(b) (6), HHEC/FO
T. Furey, DM/RDO/FO
R. Murphy, DDM/RDO/FO
H. Havens, DDM/RDO/FO
A. Gupton, DDM/RDO/FO
D. Lilly, DCS/RDO/FO
(b) (6), DVMS/RDO/FO
(b) (6), SELAO/RDO/FO
(b) (6) FLS/RDO/FO
(b) (6), SPHV/RDO/FO
Quarterly Enforcement Report
Establishment File (Est. M5439)

Establishment Name: Kleemeyer & Merkel, Inc.
Establishment Number: M5439
Two-Week Period Ending: _____

Reason for Verification: On 11/07/2024, Establishment M5439 was issued a NOS for failure to meet 9 CFR 313 of the regulations. On 11/12/2024, the establishment was issued a NOSHIA after submitting acceptable corrective actions and preventive measures.

Information for Establishment Management: This verification plan was created from the corrective actions and preventive measures which were submitted to, and which were accepted by, the Raleigh District Office. As such, any changes to these corrective actions and preventive measures needs to be approved by the Raleigh District Office prior to implementation.

Instructions for completion of Humane Handling and Slaughter Verification form:

1. "Results of Verification" column should be recorded as "Acceptable", "Unacceptable", or "N/A"
2. "Inspection Actions" column should be used to document unacceptable findings or any additional corrective actions taken in compliance with 9 CFR 313.
3. The implementation and effectiveness of the establishment's corrective actions should be verified at the frequencies stated below. The in-plant inspection team (IPP) can request, through supervisory channels, a change in the frequencies when the determination is made that the establishment has effectively implemented the corrective actions.
4. Each day verification activities are performed, IPP should add a Directed Livestock Humane Handling Verification task in PHIS and use the justification "Verification Plan for Enforcement Actions" to justify the scheduling of the Directed task.
5. IPP will provide bi-weekly verification updates detailing the results of verification activities and submit to the SPHV/FLS for review.
6. The completed bi-weekly report will be submitted via email to (b) (6), District Veterinary Medical Specialist, and to Mr. David Lilly, District Case Specialist.

Items to Verify	Results of Verification	Inspection Actions
1. Verify that pertinent employees have received training on updated the SSOP Checklist, the updated Humane Handling program, and the proper electrical stunning techniques for livestock. (Once)		

<p>2. Verify that the Humane Handling program has been updated to include 1) addition of electrical stunning as method for stunning calves, 2) 100% monitoring of stunning of animals outside the normal stunning area, 3) immediate corrective actions for animals that exhibit signs of returning to consciousness, and 4) addition of head-heart stunning methodology. (Once)</p>		
<p>3. Verify that training is performed 1) once per month for the next 3 months as refresher training, 2) for any newly hired employees prior to them working on the kill floor, 3) after any incidents, and/or 4) after any change made as a result of reassessment. (Monthly or as necessary)</p>		
<p>4. Verify that any weak calves stunned outside the stunning area are stunned using the head-heart method for electrical stunning. (Daily, for each slaughter day, as necessary)</p>		
<p>5. Verify that 100% of stunning of weak calves is observed for effectiveness and documented in the revised SSOP record. (Daily, for each slaughter day, as necessary)</p>		

6. Verify that stunning of weak calves is effective. (Daily, for each slaughter day, as needed).		
7. Verify that stunning observations are documented in the updated SSOP record. (Daily, for each slaughter day)		

Comments and Recommendations

Two-Week Period Ending:

IIC Comments/Recommendation:

SPHV Comments/Recommendation (if not the IIC):

FLS Comments/Recommendation: