



February 15, 2024

George G. Ruppensberger & Sons, Inc.
M5931
2639 Pennsylvania Avenue
Baltimore, MD 21217
(b) (6) @aol.com, (b) (6)
410-962-5530

ELECTRONIC MAIL on February 15, 2024

**Attention: William L. Ruppensberger (President/General Manager)
Elbert Nuttle (Plant Manager)**

NOTICE OF SUSPENSION

Mr. Ruppensberger and Mr. Nuttle,

This letter confirms the verbal notification given on February 15, 2024, at approximately 1120 hours, by the Food Safety and Inspection Service (FSIS) Inspection Program Personnel (IPP) of the suspension of the assignment of inspectors for slaughter operations at George G. Ruppensberger & Sons, Inc, Est. M5931, herein after referred to as “your establishment.” This action was initiated in accordance with Title 9 of the Code of Federal Regulations (9 CFR) 500.3, after FSIS determined that your establishment failed to slaughter and handle animals humanely.

Background/Authority

The Federal Meat Inspection Act (FMIA) (Title 21 of the United States Code {21 U.S.C.} 603 et seq.) provides that for the purpose of preventing the inhumane slaughtering of livestock, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the methods by which cattle, sheep, swine, goats, horses, mules, or other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this Act. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause slaughtering to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishments by any method not in accordance with sections 1901 to 1906 of Title 7 until the establishment furnishes assurances, satisfactory to the Secretary, that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such a method.

The Humane Methods of Slaughter Act of 1978 (7 U.S.C. 1901 et seq.) 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.

Findings/Basis for Suspension

At approximately 0645 hours on Thursday, February 15, 2024, IPP identified an egregious humane handling non-compliance in which there was a delay in rendering a steer unconscious. A black Angus steer was loaded into the knock box and the employee attempted the initial stun using a .22 caliber hand-held captive bolt stunning device (HHCB). After the stun attempt, the steer remained conscious, standing in the box. The employee stated that the HHCB had malfunctioned and that the bolt did not penetrate the skull of the steer. The employee attempted to repair the HHCB, and when he could not, the Plant Manager left the kill floor to retrieve a .25 caliber HHCB. The employee used the .25 caliber HHCB to apply a second stun to the steer, effectively rendering the steer unconscious. After the skin was removed from the head, IPP observed two (2) holes in the skull: a smaller hole on the midline of the steer's forehead and a larger hole on the midline approximately 1 inch (1") below the first hole. IPP applied US Retain/Reject Tag # B4530930 to the knock box to prevent further slaughter of livestock; this is in accordance with 9 CFR 313.50(c). IPP notified establishment management of the pending noncompliance report and the potential for further action. At approximately 1120 hours, IPP notified establishment management of the Raleigh District Office (RDO) management's decision to initiate further enforcement action.

This incident represents a violation of 9 CFR 313.15(a)(1) which says in part "The captive bolt stunners shall be applied to the livestock in accordance with this section so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut." The incident was considered egregious because there was a failure to apply an immediate corrective action. The establishment does not have a documented systematic approach for Humane Handling; therefore, this Suspension action is being initiated.

The suspension action will remain in effect until you provide the Raleigh District Office with adequate written assurances, including corrective actions and further planned preventive measures, to assure that livestock at your establishment are slaughtered humanely. In order to resume inspected operations, you must submit corrective actions to my attention at the District Office. These corrective actions should include at a minimum the following:

1. Identify the assessment process used to determine the nature and cause of the noncompliances.
2. Identify what the assessment revealed as the likely cause of the system failure.
3. Describe the specific actions that will be taken to eliminate the cause of the failures.
4. Describe the future monitoring activities you will use to ensure that changes are implemented and are effective.

You are reminded that, as an operator of a federally inspected plant, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent inhumane handling of livestock 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. Please also be advised that you have the right to appeal this matter.

In accordance with 9 CFR 500.5(a)(5), you may appeal this action by contacting:

Sherri Johnson
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Avenue, SW
South Building, Room 3154
Washington, DC 20250
Phone: (b) (6)

In addition, you may also request a hearing regarding this determination pursuant to FSIS' Rules of Practice (9 CFR 500.). The rules of Practice were published in the Federal Register, Vol. 64, No. 228, on November 29, 1999. As specified in Section 500.5(d), 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, you should contact:

Scott C. Safian, Branch Chief
Enforcement Operations Branch
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
Stop Code 3753, PP3, Cubicle 9-235-A
1400 Independence Avenue, SW
Washington, D.C. 20250
Voice: (202) 418-8872
Fax: (202) 245-5097

It is our hope that this matter can be resolved quickly. If you have any questions, please contact me via telephone at 919-326-5281 or via electronic mail at todd.furey2@usda.gov Additionally, you can contact the Raleigh District Office at 919-844-8400 or by fax at 844-839-6359.

Sincerely,

**ROGER
MURPHY**

Todd Furey
District Manager

Digitally signed by ROGER
MURPHY
Date: 2024.02.15 14:06:44
-05'00'

William L. Ruppertsberger (President/GM)
George G. Ruppertsberger & Sons, Inc, M5931

Notice of Suspension
February 15, 2024

cc: S. Johnson, EARO/FO
L. Hortert, RD/CID/OIEA
(b) (6), HHEC/FO
T. Furey, DM/RDO/FO
R. Murphy, DDM/RDO/FO
A. Gupton, DDM/RDO/FO
(b) (6), DCS/RDO/FO
(b) (6), DVMS/RDO/FO
(b) (6), SEIAO/RDO/FO
(b) (6), FLS/RDO/FO
(b) (6), SPHV/RDO/FO
(b) (6), CSI/RDO/FO
Quarterly Enforcement Report
Establishment File (Est. M5931)