



February 21, 2025

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Underground Slaughter, Est. MP51351
6821 Franks Ferry Road
Walling, TN 38587
Larry.masters@undergroundprocessing.com
931-492-6328

Attention: Larry Masters, Plant Owner

NOTICE OF SUSPENSION

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of its decision to, effective immediately, withhold the marks of inspection and suspend inspection services for the Slaughter Hazard Analysis Critical Control Point (HACCP) processes at Underground Slaughter, Est. MP51351, located at 6821 Franks Ferry Road, Walling, TN 38587. This letter follows verbal notification of the suspension action, provided by Dr. Kermit Harvey, DDM, to Larry Masters, Plant Owner, at approximately 3:00PM on February 21, 2025.

FSIS is taking this action in accordance with Title 9 of the Code Federal Regulations (CFR) Rules of Practice 500.3(b), based on the determination that Underground Slaughter handled or slaughtered livestock inhumanely, in violation of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Humane Methods of Slaughter Act (HMSA) (7 U.S.C. 1901 *et seq.*), and the relevant regulatory requirements (9 CFR Part 313).

This letter provides you with information on the Agency's authority, the facts supporting FSIS' action, and information on how you can respond.

Background/Authority

FSIS is the agency in the U.S. Department of Agriculture responsible for protecting the public's health by ensuring the nation's supply of meat, poultry, and processed egg products for sale and distribution in commerce is safe, unadulterated, wholesome, and correctly labeled and packaged. FSIS administers and enforces, among other laws, the FMIA, HMSA, and the statutes' implementing regulations. FSIS has prescribed rules and regulations required for establishments producing meat/meat food products, including requirements pertaining to humane handling and slaughtering of livestock (9 CFR Part 313) and other matters. FSIS has also developed the Rules of Practice regarding enforcement (9 CFR Part 500). The Rules of Practice describe the types of enforcement action 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 Federal Grant of Inspection.

Should FSIS personnel document serious or repetitive food safety, sanitation, humane handling, slaughter, or other violations, FSIS may take enforcement action under 9 CFR Part 500.

Links to the Acts and the Rules of Practice are enclosed for your information and review.

FMIA: <https://www.fsis.usda.gov/policy/food-safety-acts/federal-meat-inspection-act>
HMSA: <https://www.fsis.usda.gov/policy/food-safety-acts/humane-methods-slaughter-act>
FSIS Rules of Practice: <https://www.ecfr.gov/current/title-9/chapter-III/subchapter-E/part-500>

Findings/Basis for Action

On February 21, 2025, at approximately 1330 hours, while observing swine slaughter/sanitary dressing procedures the CSI heard a gunshot followed by loud vocalization from a hog coming from the knock box. There were two (2) initial shotgun stun attempts which were ineffective, evidenced by the animal remaining standing and agitated after the attempts. The establishment stun employee then attempted 1 Hand - Held Captive Bolt (HHCB) stun attempts (stun attempt #3), which the HHCB attempt contacted the animal but was ineffective at rendering the animal insensible/unconscious as the animal remained standing. The CSI observed the hog was still upright, moving around in the knock box agitated and making conscious vocalizations. The establishment stun employees had to go and retrieve additional shotgun shells from another area. Ultimately, the establishment stun employee attempted a 4th and a 5th stun attempt with the shotgun, which were also ineffective. The 6th stun attempt, via shotgun was effective at rendering the animal insensible/unconscious and it remained so thereafter. The CSI informed Jamie Hodges, Plant Manager of the noncompliance and that USDA Reject Tag #B26 245629 was placed on the knock box and that all USDA stunning operations were on hold until the tag is removed by FSIS IPP. While the plant has been operating under a Robust Systematic Approach to Humane Handling, they were not implementing it at the time of this failure.

Conclusion

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). Subsequently, on October 23, 2013, FSIS issued guidance, titled "*FSIS Compliance Guide for a Systematic Approach to the Humane Handling of Livestock*," to promote a systematic approach to achieve compliance with the FSIS requirements for the humane handling and slaughter of livestock.

If an establishment maintains a robust humane handling program, FSIS can exercise regulatory discretion when an inhumane handling or slaughter incident is observed. Although Underground Slaughter had previously developed and implemented a systematic approach to humane handling that was considered robust, it failed to effectively implement the program.

Based on the findings described above, Underground Slaughter handled or slaughtered livestock inhumanely, in violation of the FMIA 21 U.S.C. 603(b), HMSA 7 U.S.C. 1901 – 1902, and 9 CFR 313.15(a)(1), 9 CFR 313.15(a)(3), 9 CFR 313.16(a)(1) and 9 CFR 313.16(a)(3). In accordance

Mr. Larry Masters, Plant Owner
Underground Slaughter, Est. MP51351

Notice of Suspension
February 21, 2025

with 9 CFR Part 500.3(b), FSIS is exercising its authority to withhold the marks of inspection and suspend inspection services for the Slaughter HACCP processes at Underground Slaughter, effective immediately.

How to Respond to this Letter

Please be advised that this suspension will remain in effect for the Slaughter HACCP processes at Underground Slaughter until you provide adequate written corrective action and preventative measures to demonstrate adherence to regulatory requirements. Your written response is expected to include:

- An evaluation and identification of the nature and cause of the incident.
- A description of the specific actions taken to eliminate the cause of the incident and prevent future recurrences.
- Any corrective actions, preventative measures, and monitoring activities to ensure continued compliance.
- Copies of supporting documentation and records maintained and/or associated with the proposed corrective actions and preventative measures.

You may submit your response by fax to (601) 965-5901, or by electronic mail larry.davis4@usda.gov.

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 inhumane handling and slaughtering of livestock. Please be advised that failure to respond adequately to these issues may result in additional enforcement action, including initiation of administrative proceedings to withdraw Federal inspection services from Underground Slaughter or other appropriate action.

Appeal and Hearing Rights

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

Robert Bane
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
4700 S. Thompson, Bldg. B, Ste. 201
Springdale, AR 72764
Email: robert.bane@usda.gov
Phone: (b) (6)

Mr. Larry Masters, Plant Owner
Underground Slaughter, Est. MP51351

Notice of Suspension
February 21, 2025

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: EOSCorrespondence@usda.gov

If you have any questions, please contact Dr. Larry Davis, District Manager, by telephone at (601) 863-4206 or by electronic mail at larry.davis4@usda.gov. Additionally, you can contact Jackson District Office at (601) 965-4312 or by fax at (601) 965-5901.

Sincerely,

**KERMIT
HARVEY**

Digitally signed by
KERMIT HARVEY
Date: 2025.02.21
15:26:43 -06'00'

Dr. Larry Davis
District Manager

Mr. Larry Masters, Plant Owner
Underground Slaughter, Est. MP51351

Notice of Suspension
February 21, 2025

cc: Mr. Robert Bane, EARO
Dr. Larry Davis, DM
Mr. Joseph Priore, OIEA Regional Director
Dr. Quita Bowman Blackwell, Humane Handling Enforcement Coordinator
Dr. Kermit Harvey, DDM
Dr. Erin Moses, DDM
Ms. Francheska McClendon, DCS
(b) (6), SEIAO
(b) (6), FLS
(b) (6), DVMS
(b) (6), DVMO
(b) (6), IIC at Est. 51351
FO/Quarterly Reports