



March 15, 2024

Mr. Thomas Gilbert III, Vice President
Herring Brothers, Inc. (Est. M9760/P-9760)
350 Water Street
Guilford, Maine 04443
herringbros@hotmail.com
Ph: (207) 876-2631

NOTICE OF SUSPENSION HELD IN ABEYANCE

Attention: Mr. Thomas Gilbert III, Vice President

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our decision to place the suspension action at **Herring Brothers, Inc.**, establishment M-9760/P-9760, located at 350 Water Street, Guilford, Maine 04443, in abeyance.

This letter follows verbal notification of the abeyance action, provided by Dr. Chelsea Buckley, Deputy District Manager (DDM) to Mr. Thomas Gilbert III, Vice President, at approximately 1204 hours on Friday, March 15, 2024.

The decision to institute the abeyance was made in accordance with the Rules of Practice, Title 9 of the Code of Federal Regulations (9 CFR) Part 500.5 part (e).

In response to the Notice of Suspension (NOS), you submitted proposed corrective actions and preventative measures on March 14, 2024. On March 14 2024, FSIS requested clarification on the responses. On March 15, 2024, you submitted responses to the clarification requests which included corrective actions and program updates.

Your corrective and preventative measures include but are not limited to:

1. The time of stun to stick resulted in the swine regaining sensibility due to the procedure of the captive bolt being ineffective.
2. Herring Brothers Inc. will be using a (b) (4) electric stunner. Stunning will occur using the head and heart stun, using the appropriate setting depending on swine size. Once the head and heart are stunned, the swine will be bled immediately after the stuns (on the floor) prior to being shackled and hoisted. All employees have been trained on this method. *Signed Training log available for FSIS IPP review and kept up to date in case of staffing changes.
3. A captive bolt ((b) (4) with .25 grain cartridges) is immediately available for back up.
4. Establishment Owner/Vice President will visually supervise this stunning method and documenting that the stun was effective and how much time it to from the stun to bleed. This will be part of the (stunning)verification process. (*provided a copy of the Stunning Log)

5. First week of swine slaughter will be every animal recorded. After the first week, one animal will be recorded per swine slaughter day for the next thirty (30) days and then reevaluated depending on results.

FSIS has carefully reviewed your responses and made the decision to place the NOS in abeyance. FSIS has designed a Verification Plan (VP), and Inspection Program Personnel (IPP) will use it to monitor and verify that you have effectively implemented your proposed actions. The VP identifies your corrective actions based on your responses, the relevant regulatory requirements, the tasks IPP will use to conduct verification activities, and the time frames that you identified. IPP will continue to ensure all humane handling/stunning regulatory requirements of 9 CFR Part 313 are in regulatory compliance. We have attached a copy of the VP to assist you as a reference during the Agency's verification activities.

A final decision relative to this enforcement action will be determined based on your establishment's ability to execute and comply with your proffered corrective actions and all applicable regulatory requirements. Your establishment's failure to meet the conditions of this abeyance may result in additional regulatory and/or administrative actions in accordance with the Rules of Practice 9 CFR Part 500

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**

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CHELSEA BUCKLEY
Date: 2024.03.15 13:53:18
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Mr. George Slobodjian
Deputy District Manager/Acting District Manager

Enclosure: FSIS Verification Plan for Herring Brothers, Inc. Est. M9760/P-9760

**Herring Brothers, Inc. (EST M9760) Verification Plan
March 15, 2024**

ESTABLISHMENT ACTION PLAN	9 CFR REGULATION	HUMANE HANDLING VERIFICATION CATEGORY	FREQUENCY
<p>1. All employees will be trained in the swine stunning and signs of consciousness protocols that were submitted to FSIS as part of the corrective actions. This will occur prior to resuming operations and as new employees are hired.</p> <p>*Training log will be signed and available for FSIS IPP review, and kept up to date in case of staffing changes</p>	<p>313.2(f), 313.30(a)(4), and 313.15(a)(3)</p>	<p>Category IX – Regaining Consciousness</p>	<p>1. Upon implementation, March 15, 2024, and each swine slaughter day.</p>
<p>2. For all inspected swine, electric stunning will be utilized. The head and then heart stunning methods will be applied to all swine on the appropriate settings for classification of the animal. Establishment employees will confirm that the pig is insensible after this is performed.</p> <p>2A. Captive bolt will be immediately available as backup stunning implement- (b) (4) with .25 grain cartridges.</p>	<p>313.2(f), 313.30(a)(4), and 313.15(a)(3)</p>	<p>Category IX – Regaining Consciousness</p>	<p>2. Upon implementation, March 15, 2024, and each swine slaughter day during the Abeyance.</p> <p>2A. Each swine slaughter day during the Abeyance.</p>
<p>3. Immediately after the 2-phase electric stun has been performed and the animal is insensible, the swine will be bled out on the ground (floor). The animal will not be shackled or hoisted until bleed out has occurred.</p>	<p>313.2(f), 313.30(a)(4), and 313.15(a)(3)</p>	<p>Category IX – Regaining Consciousness</p>	<p>3. Upon implementation, March 15, 2024, and each swine slaughter day during the Abeyance.</p>
<p>4. Mr. Thomas (Trey) Gilbert III, Vice President/Owner, will directly supervise the stunning of all swine</p>	<p>313.2(f), 313.30(a)(4), and 313.15(a)(3)</p>	<p>Category IX – Regaining Consciousness</p>	<p>4. Upon implementation, March 15, 2024, and each swine slaughter day during the Abeyance.</p>

ESTABLISHMENT ACTION PLAN	9 CFR REGULATION	HUMANE HANDLING VERIFICATION CATEGORY	FREQUENCY
<p>5. The Stunning Log is filled in for each swine stunned, and verified by Mr. Thomas (Trey) Gilbert III, Vice President/Owner.</p> <p>*First week of swine slaughter will be every animal recorded. After the first week, one animal will be recorded per swine slaughter day for the next thirty (30) days and then reevaluated depending on results.</p> <p>*The Stunning log will be kept on file and available for FSIS IPP review.</p>	<p>313.2(f), 313.30(a)(4), and 313.15(a)(3)</p>	<p>Category IX – Regaining Consciousness</p>	<p>5. Upon implementation, March 15, 2024, and each swine slaughter day during the Abeyance.</p>

Humane handling verification every slaughter operation day to verify the adequacy and effectiveness of the establishment's compliance with the humane handling regulatory requirements of 9 CFR Part 313.

***Inspection Program Personnel will review all monitoring, verification, and corrective action records to verify procedures are being conducted as prescribed and at the specified frequency.**

CC:

FSIS - FO/Quarterly Enforcement Report

Ms. Melissa Moore, EARO, FSIS, OFO, Washington D.C.

Mr. Joseph Priore, RD, FSIS, OIEA, Northeast Region

Mr. Jason Orlando, DM, FSIS, OFO, Philadelphia District Office

Mr. Joseph Schein, DDM, FSIS, OFO, Philadelphia District Office

Mr. George Slobodjian, DDM, FSIS, OFO, Philadelphia District Office

Dr. Chelsea Buckley, DDM, FSIS, OFO, Philadelphia District Office

(b) (6), DCS, FSIS, OFO, Philadelphia District Office

(b) (6), SEIAO, FSIS, OFO, Philadelphia District Office

(b) (6), FLS, FSIS, OFO, Philadelphia District

(b) (6), SPHV, FSIS, OFO, Philadelphia District

(b) (6), CSI, FSIS, OFO, Philadelphia District

Official Files Establishment Folder – Est. 9760