



November 28, 2023

The Center Cut Slaughter and Meat Processing
Est. M1562+P1562+V1562
4904 Flat River Road
Farmington, Missouri 63640
Centercut.meatprocessing@gmail.com
(573) 366-4578

ELECTRONIC MAIL on 11/28/2023
FEDEX TRACKING 787120902297

Physical Location
4909 Flat River Road
Park Hills, Missouri 63601

Attention: Darin Johnson, Owner

NOTICE OF REINSTATEMENT OF SUSPENSION

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our decision to reinstate the withholding of the federal marks of inspection and suspend the assignment of Inspection Program Personnel (IPP) at The Center Cut Slaughter and Meat Processing, Est. M1562+P1562+V1562, located at 4909 Flat River Road, Park Hills, Missouri 63601. This letter follows verbal notification of the suspension action, provided by (b) (6) Consumer Safety Inspector, to Darin Johnson, Owner at approximately 11:30 AM on November 28, 2023. This action includes your Slaughter Hazard Analysis and 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

On September 19, 2023, the FSIS notified you of the suspension of the assignment of inspection personnel at your facility. The decision to institute this enforcement action was 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 as required by 9 CFR 313.15(a)(1).

On September 21, 2023, you provided a written response to the Notice of Suspension that began a dialogue with FSIS that concluded on September 28, 2023. FSIS analyzed the corrective and preventative measures provided in your action plan, which included actions to prevent the recurrence of inhumane handling of livestock.

On September 28, 2023, FSIS provide you a Notice of Suspension Held in Abeyance pending verification by FSIS personnel that your action plan was effectively implemented.

On November 28, 2023, you failed to effectively implement your action plan that would provide proper shot placement to ensure the requirements of 9 CFR 313.15(a)(1) were met. At approximately 08:45 hours, FSIS Inspection Program Personnel (IPP) observed a humane handling incident, as documented in Noncompliance Record (NR) GFU2812112728N. The NR states an establishment employee attempted to stun a bovine animal using a captive bolt stunning device. The animal remained standing with its eyes open. The establishment employee attempted a second stun with the firearm, but the firearm failed to discharge. The employee cocked the firearm, revolved the cylinder, and discharged the firearm. The animal remained standing with its eyes open. The establishment employee then attempted a third stun using a captive bolt that successfully rendered the animal unconscious. IPP applied US Reject Tag B43334940 to the knock box and informed establishment management of the noncompliance.

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). On September 24, 2020, FSIS released FSIS Directive 6900.2 Revision 3, entitled, "*Humane Handling and Slaughter of Livestock.*" Additionally, on October 23, 2013, FSIS introduced new guidance, titled "*FSIS Compliance Guide for a Systematic Approach to the Humane Handling of Livestock.*" Within the guidance material is information intended to better ensure the humane treatment of livestock presented for slaughter. The guidance material provides a set of practices designed to minimize excitement, discomfort, and accidental injury regarding the humane handling of livestock to include the four components of a robust systematic approach to humane handling.

When an establishment maintains a robust humane handling program, FSIS can exercise regulatory discretion when an inhumane handling or slaughter incident is observe. You do not currently maintain a written humane handling program for consideration.

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 313.15(a)(1), 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 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
SB, Room 3160
1400 Independence Avenue, SW
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, please contact Dr. Daran (Curtis) Stovall via telephone at (479) 717-5025 or via electronic mail at daran.stovall@usda.gov. Additionally, you can contact Springdale District Office at (479) 751-8412 or by fax at (479) 751-4739.

(b) (6)

for
Jeffery Barham
District Manager