



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations

Atlanta District Office
100 Alabama St., SW.
Suite 3R90
Atlanta, GA. 30303
Phone: 404-562-5900
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800-282-7005

July 26, 2023

CERTIFIED MAIL
ELECTRONIC MAIL on July 26, 2023

Circle F Farms Meat Processing
M1155
324 Azalea Road
Baxley, GA 31513
(b) (6)@woodyfolsom.com
(912) 218-0042

Attention: Mr. Woody Folsom, Owner

NOTICE OF SUSPENSION

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our decision to withhold the federal marks of inspection and suspend the assignment of Inspection Program Personnel (IPP) at Circle F Farms Meat Processing, located at 324 Azalea Road, Baxley GA, 31513. This letter follows verbal notification of the suspension action, provided by (b) (6) (b) (6), District Veterinary Medical Specialist, to Mr. Jamie Hall, Plant Manager at approximately 10:45AM on July 25, 2023. This action includes your Slaughter Hazard Analysis 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

This Notice of Suspension is based upon your establishment being in violation of 9 CFR 313.16 (a) (1), 9 CFR 313.16 (a) (3), 9 CFR 313.16 (b) (1) (i), 9 CFR 313.16 (b) (1) (ii), 9 CFR 313.16 (b) (1) (iii), 9 CFR 313.16 (b) (1) (iv), and 9 CFR 313.16 (a) (2).

9 CFR 313.16 (a)(1) states: *The firearms shall be employed in the delivery of a bullet or projectile into the animal in accordance with this section so as to produce immediate unconsciousness in the animal by a single shot before it is shackled, hoisted, thrown, cast, or cut. The animal shall be shot in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.*

9 CFR 313.16 (a) (3) states: *Immediately after the firearm is discharged and the projectile is delivered, the animal shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding.*

9 CFR 313.16 (b)(1)(i) states: *On discharge, acceptable firearms dispatch free projectiles or bullets of varying sizes and diameters through the skull and into the brain. Unconsciousness is produced immediately by a combination of physical brain destruction and changes in intracranial pressure. Caliber of firearms shall be such that when properly aimed and discharged, the projectile produces immediate unconsciousness.*

9 CFR 313.16 (b)(1)(ii) states: *To assure uniform unconsciousness of the animal with every discharge where small-bore firearms are employed, it is necessary to use one of the following type projectiles: Hollow pointed bullets; frangible iron plastic composition bullets; or powdered iron missiles. When powdered iron missiles are used, the firearms shall be in close proximity with the skull of the animal when fired. Firearms must be maintained in good repair. For purposes of protecting employees, inspectors and others, it is desirable that all firearms be equipped with safety devices to prevent injuries from accidental discharge. Aiming and discharging of firearms should be directed away from operating areas.*

9 CFR 313.16 (b)(1)(iii) states: *The provisions contained in §313.15(b)(1)(iii) with respect to the stunning area also apply to the shooting area.*

9 CFR 313.16 (b)(1)(iv) states: *The shooting operation is an exacting procedure and requires a well-trained and experienced operator. He must be able to accurately direct the projectile to produce immediate unconsciousness. He must use the correct caliber firearm, powder charge and type of ammunition to produce the desired results.*

9 CFR 313.16 (b)(2) states: *Choice of firearms and ammunition with respect to caliber and choice of powder charge required to produce immediate unconsciousness of the animal may vary depending on age and sex of the animal. In the case of bulls, rams, and boars, small bore firearms may be used provided they are able to produce immediate unconsciousness of the animals. Small bore firearms are usually effective for stunning other cattle, sheep, swine, and goats, and calves, horses, and mules.*

Specifically, on Tuesday July 25, 2023, approximately 7:49 AM while verifying the establishment's stunning procedures, Inspection Program Personnel (IPP) observed the following humane handling noncompliance at Circle F Farms Meat Processing, M1155. A steer was loaded into the knock box, the operator took a .22 magnum rifle, aimed it at the head of the steer and fired. The steer remained standing and bellowed. The operator immediately fired a second shot, and blood rushed from the nose, but the steer continued to stand and bellow. Then the operator fired a third shot, but the steer remained standing, continued to bleed and bellow. IPP observed the operator walk off the kill floor to the hallway, retrieve a 9mm pistol, return to the kill floor and fire a fourth shot which rendered the steer unconscious. IPP tagged the knock box with U.S Rejected Tag No. B36849155 and verbally notified Mr. Jamie Hall, Plant Manager, of the noncompliance.

Establishment personnel skinned the head and on post-mortem inspection IPP observed that the head had one perfectly round hole placed in the center of a line drawn from the medial canthus of each eye. Approximately 1 inch above the round hole, there was a much bigger opening into the sinuses, with very irregular edges and placed more to the right of the midline. This is a violation of 9CFR313.16 (a) (3).

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 observed. You do not currently maintain a robust 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 313.16 (a)(1), 9 CFR 313.16(a)(3), 9 CFR 313.16(b)(1)(i), 9 CFR 313.16(b)(1)(ii), 9 CFR 313.16(b)(1)(iii), 9 CFR 313.16(b)(1)(iv), and 9 CFR 313.16(b)(2), 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 or adulterated products at your establishment. Please be advised that your failure to respond

Mr. Woody Folsom, Owner
Circle F Farms Meat Processing, M1155

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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. Phyllis Adams via telephone at (404) 562-5900 or via electronic mail at Phyllis.Adams@usda.gov. Additionally, you can contact the Atlanta District Office at (404) 562-5900 or by fax at (404) 652-5877.

Mr. Woody Folsom, Owner
Circle F Farms Meat Processing, M1155

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Sincerely,

PHYLLIS Digitally signed by
PHYLLIS ADAMS
ADAMS Date: 2023.07.26
15:41:22 -0400'

Dr. Phyllis Adams
District Manager

cc: Melissa Moore, EARO
Phyllis Adams, DM
(b) (6) Humane Handling Enforcement Coordinator
Scott Ehle, Acting OIEA Regional Director
Edward Hepburn, DDM
Barney Welch, DDM
Tracy Bryant, DDM
(b) (6), SEIAO
(b) (6), DCS
(b) (6), DVMS
(b) (6), TA Coordinator, GADA
FO/Quarterly Reports