



Electronically Submitted on May 16, 2023
FedEx Tracking: 7721 6154 0592

Food Safety and
Inspection Service

May 16, 2023

Office of Field Operations

Philadelphia District
Mellon Independence
Center,
701 Market Street Suite
4100-A
Philadelphia, PA 19106

Mr. Mark Zimmerman, Vice President
Hoffer's Ligonier Valley Packing, inc. (Est. M4025)
582 Darlington Road
Ligonier, Pennsylvania 15658
hofferpacking@gmail.com
(724) 238-7112

NOTICE OF SUSPENSION

Attention: Mr. Mark Zimmerman, Vice President

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 Hoffer's Ligonier Valley Packing Inc, M4025, located at 582 Darlington Road, Ligonier Pennsylvania 15658. This letter follows verbal notification of the suspension action, provided by Mr. George Slobodjian, Deputy District Manager (DDM), to establishment management personnel, (b) (6), at approximately 1300 hours on May 16, 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

On Tuesday, May 16 at approximately 1115 hours, the Consumer Safety Inspector (CSI) was on the slaughter floor at EST M4025 and observed the first two hogs of the day that had been moved into the stunning box. The first one was stunned effectively with an electric stun to the head. The animal was then shackled and hoisted to about 3-4 feet above the ground and moved over to the bleeding area, but prior to being stuck for bleeding the hog regained consciousness. The CSI observed the animal start to squeal repeatedly, raising its head and performing a righting reflex, and showing coordinated leg movements in a digging motion. The hoist operator moved the conscious hog back down into the stunning pen and the stunning operator used the electric stunner to perform an effective stun to render the hog unconscious, and it remained so thereafter. The second hog was not injured at any point in this process. This establishment has a written robust systematic approach to humane handling but was not following it at this time. The CSI informed establishment personnel of the noncompliance, and that he needed to contact his supervisor for instructions; and tagged the stunning box with U.S. Reject tag number B40488595.

On September 9, 2004, FSIS published "*Humane Handling and Slaughter Requirements and the Merits of a Systematic Approach to Meet Such Requirements*" (69 Fed. Reg. 54625). On September 24, 2020, FSIS released FSIS Directive 6900.2 Revision 3, "*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. Although your establishment has previously developed and implemented a systematic approach to humane handling that was considered robust, you have failed to effectively implement your program accordingly.

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 Acts. Evidence demonstrates your failure to meet regulatory requirements addressed in 9 CFR 313.30(a)(1) and (4), and 313.2(f), 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:

Alexander Domesle
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: alexander.domesle@usda.gov
Phone: (202) 807-9826


Pursuant to 9 C.F.R. 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 regarding this matter, please feel free to contact Mr. George Slobodjian, DDM, via electronic mail at george.slobodjian@usda.gov or by telephone at 267-807-7546. Additionally, you can contact the Philadelphia District Office at (800) 637-6681 or by fax at (215) 597-4217.

Sincerely,

GEORGE
SLOBODJIAN
Mr. Jason Orlando
District Manager

 Digitally signed by GEORGE
SLOBODJIAN
Date: 2023.05.16 15:48:49 -0400

Cc:

Mr. Alexander Domesle, Acting EARO, FSIS, OFO, Washington, DC

Ms. Melissa Moore, EARO, FSIS, OFO, Washington, DC

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FSIS - FO/Quarterly Enforcement Report