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January 19, 2024

Mr. Ephraim Stoltzfus, Establishment Owner  
**Kingdom Provisions, LLC (Est. M53882)**  
5960 Durham Road  
Pipersville, Pennsylvania 18947

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**NOTICE OF SUSPENSION**

Attention: Mr. Ephraim Stoltzfus, Owner

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 **Kingdom Provisions, LLC (Est. M53882)**, located at 5960 Durham Road, Pipersville, Pennsylvania 18947.

This letter follows verbal notification of the suspension action, provided by Mr. Joseph Schein, Deputy District Manager (DDM) to Ms. Amber Pressley, Plant Manager, at approximately 1605 hours on January 18, 2024. This action includes your Slaughter Hazard Analysis Critical Control Point (HACCP) process 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 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**

At approximately 1230 hours, on January 18, 2024, while verifying truck unloading, the Consumer Safety Inspector (CSI) observed the truck driver and the plant manager, unloading approximately fourteen (14) beef animals from a gooseneck livestock trailer. The CSI was unaware that additional animals were on the second level of the trailer, and he returned to the USDA inspection office. While in the USDA inspection office, the CSI heard sheep vocalizing, he returned to observe the unloading of sheep that remained on the trailer after the beef were unloaded. The driver of the trailer was performing this unloading activity without the presence of the plant manager. The sheep were in the “nose” of the trailer, and when the CSI observed the unloading, most of the sheep had already jumped down to the floor of the trailer from the second level.

The sheep were being made to jump approximately four (4) feet down to the floor of the trailer from the second level to the main floor. The first sheep observed by the CSI jumped down to the main floor with no issues. When the next sheep jumped down, its front feet buckled and it landed very hard on its head, doing a front flip (somersault), then rolling over onto its back. The sheep rolled to its belly, visibly stunned, and shaking. The CSI notified the driver to stop unloading the remaining sheep, but the driver was unable to. The remaining sheep jumped down but did not land on the fallen sheep. The fallen sheep rose to its feet unassisted, where the CSI observed that its left front leg was broken below the knee as it was holding it up off the ground. The sheep remaining on the main floor of the trailer jumped off the trailer to the ground, an approximate one (1) foot drop. The injured sheep was walking on three legs but followed the rest of the sheep in jumping off the trailer onto the ground and then to the holding pen in the barn.

The CSI questioned the driver, if any of the sheep were limping at the time of loading, and the driver affirmed that that some of them were limping at that time. The CSI asked how the driver had loaded the sheep and the driver said that he loaded them up the ramp using the decking system. The decking system was removed after loading to make room for the cattle. The CSI notified the plant manager of his observations and discussion with the driver. The plant manager informed the CSI that she had just been informed by the plant owner that the sheep had a broken leg prior to being loaded onto the trailer, however she was unaware of it during unloading., No accommodations had been made on the trailer for separation of the animal or for appropriate facilities or ramps provided for safe handling and unloading of any injured animals.

The above findings indicate a failure to comply with the regulatory requirements of 9 CFR 313.1(a)(b), and 313.2(d)(1).

The establishment does not operate under a robust humane handling plan as they are in abeyance for a previous humane handling administrative enforcement action.

### **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 313.1(a)(b) and 313.2(d)(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 or 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  
1400 Independence Avenue, SW  
SB, Room 3160  
Washington, DC 20250  
Email: [melissa.moore1@usda.gov](mailto:melissa.moore1@usda.gov)  
Phone: (b) (6)

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](mailto:AEBCorrespondence@usda.gov)

If you have any questions regarding this matter, please feel free to contact Mr. Joseph Schein, DDM, via electronic mail at [joseph.schein@usda.gov](mailto:joseph.schein@usda.gov) or by telephone at (267) 355-9761. Additionally, you can contact the Philadelphia District Office at (800) 637-6681.

Sincerely,

JASON  
ORLANDO

Digitally signed by  
JASON ORLANDO  
Date: 2024.01.19  
13:27:15 -0500

Mr. Jason Orlando  
District Manager

cc:

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

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**Official Files Establishment Folder – Est. 53882**

**FSIS - FO/Quarterly Enforcement Report**