



Food Safety and Inspection
Service

Office of Field Operations
Jackson District Office
713 S Pear Orchard Rd.
Plaza 2, Suite 402
Ridgeland, MS 39157

July 14, 2023

Harmon Brothers Meats, Inc.
Est. M/P7356
425 Ambrose Road
Warsaw, Kentucky 41095
harmonbrothersmeats@gmail.com
859-567-1212

ELECTRONIC MAIL on July 14, 2023
FEDEX TRACKING 772742394500

Attention: Mr. Dave Harmon, Owner

NOTICE OF SUSPENSION HELD IN ABEYANCE

On July 11, 2023, the Food Safety and Inspection Service (FSIS) issued a Notice of Suspension to your establishment to withhold the federal marks of inspection and suspend the assignment of Inspection Program Personnel (IPP) at Harmon Brothers Meats, Inc., Est. M/P7356, located at 425 Ambrose Road, Warsaw, KY. This action included your Slaughter Hazard Analysis Critical Control Point (HACCP) processes employed at your establishment. 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. The evidence demonstrated 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).

Specifically, on July 11, 2023, at approximately 0935 hours EST, while performing the Livestock Humane Handling task at Harmon Brothers Meats, Inc., Est. M/P7356, in Warsaw, KY, the Consumer Safety Inspector (CSI) made the following observation. Your establishment personnel moved a dairy cow, approximately 1200 lbs., into the knocking box and restrained with head gate. Your stun operator made an initial stun attempt with a firearm (22 Magnum), that was observed to contact the animal, but was ineffective as evidenced by the animal remaining standing and looking around. Your stun operator then attempted two stuns with a hand-held captive bolt device (HHCB), but the device did not fire upon reloading each time. There was a delay as your stun operator disassembled and reassembled the HHCB, and then a third attempt with the HHCB was effective at rendering the animal insensible, and it remained so thereafter. The CSI placed USDA Reject tag #B41942334 on the knocking box and notified Regulatory Manager (b) (6) of the observed non-compliance and of the regulatory control action.

On July 11, 2023, you submitted your first written response with corrective actions and preventive measures to meet the requirements of the Humane Methods of Slaughter Act. The Jackson District Office (JDO) analyzed your response and advised you that the proffered corrective actions and preventive measures were inadequate. A request for clarification and additional information were sent via electronic mail from the JDO to your establishment on July 12, 2023. On July 13, 2023, you submitted all clarification

Dave Harmon, Owner
Harmon Brothers Meats, Inc., Est. M/P7356

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and additional information with written corrective actions and preventive measures to meet regulatory requirements. The Jackson District Office analyzed your proffered corrective actions and preventive measures and determined that the response adequately addressed the identified issues.

On July 14, 2023, at approximately 8:30 AM CST, the FSIS Jackson District Office verbally informed you of FSIS's decision to hold the suspension in abeyance. This letter is to formally inform you of this action. Please be advised that this suspension of inspection at your establishment will remain in abeyance pending verification by FSIS personnel that your proffered corrective actions and preventive measures have been implemented and are effective in ensuring future regulatory compliance. Agency personnel will begin immediate verification of your corrective actions and preventive measures.

A copy of the FSIS Verification Plan (VP) will be provided to assist you in understanding the nature and importance of the Agency's verification activities. The FSIS Verification Plan is designed to verify that your establishment fully implements the revisions to its humane handling of animals and other corrective actions and preventive measures stated in your July 11 and July 13, 2023, responses and that these revisions and corrective actions and preventive measures are effective in ensuring future regulatory compliance. The FSIS Verification Plan identifies your corrective actions, the regulatory requirement(s), and the PHIS Task under which FSIS officials will verify the implementation and effectiveness of your proffered action plan.

It is important for you to understand that FSIS has the responsibility to initiate action if your establishment fails to operate in accordance with the regulations, or conditions occur that do not comply with the Humane Methods of Slaughter Act. In these situations, FSIS personnel will take regulatory control of product or other appropriate action.

Please be further advised that as a federally inspected establishment, you are expected to comply with the Federal Meat Inspection Act and the Humane Methods of Slaughter Act, and all applicable regulations and other requirements concerning the preparation, sale, and transportation of meat products. Failure to comply with these requirements or to effectively implement the measures addressed in your responses, dated July 11 and July 13, 2023, could result in the immediate suspension of inspection at your establishment or other appropriate action(s).

If you have any questions, please contact Dr. Larry Davis via telephone at (601) 863-4206 or via electronic mail at larry.davis4@usda.gov. Additionally, you can contact the Jackson District Office at (601) 965-4312 or by fax at (601) 965-5901.

Sincerely,

**KERMIT
HARVEY**

Digitally signed by
KERMIT HARVEY
Date: 2023.07.14 08:21:41
-05'00'

for:

Dr. Larry Davis
District Manager
Jackson District Office

Dave Harmon, Owner
Harmon Brothers Meats, Inc., Est. M/P7356

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Cc: Mr. Paul Wolseley, Acting Assistant Administrator
(b) (6) Humane Handling Enforcement Coordinator
Mr. Larry Hortert, OIEA Regional Director
Dr. Larry Davis, DM
Dr. Kermit Harvey, DDM
Ms. Cheryl Henry, DDM
(b) (6), SEIAO
(b) (6), DCS
(b) (6), DVMS
Dr. Erin Moses, FLS/Acting DDM
(b) (6), SPHV at Est. M/P7356
(b) (6), CSI at Est. M/P7356
FO/Quarterly Reports