



Food Safety and
Inspection Service

Raleigh District Office

6020 Six Forks Road
Raleigh, NC. 27609
Voice: 919-844-8400
Fax: 844-839-6360

May 18, 2020

EMAIL / COURIER

Mr. Markus Vaughn (Plant Manager)
Washington County Meat Packing, Est. M32062
20505 Campground Road
Bristol, Virginia 24202

NOTICE OF SUSPENSION

Dear Mr. Vaughn,

This letter confirms the verbal notification given to you on May 18, 2020, at approximately 12:00pm, by the Food Safety and Inspection Service (FSIS) Inspection Program Personnel (IPP) of the suspension of the assignment of inspectors for slaughter operations at Washington County Meat Packing, Est. M32062, herein after referred to as “your establishment.” This action was initiated in accordance with Title 9 of the Code of Federal Regulations (9 CFR) 500.3, after FSIS determined that your establishment failed to slaughter and handle animals humanely.

Background/Authority

The Federal Meat Inspection Act (FMIA) (Title 21 of the United States Code {21 U.S.C.} 603 et seq.) provides that for the purpose of preventing the inhumane slaughtering of livestock, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the methods by which cattle, sheep, swine, goats, horses, mules, or other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this Act. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause slaughtering to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishments by any method not in accordance with sections 1901 to 1906 of Title 7 until the establishment furnishes assurances, satisfactory to the Secretary, that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such a method.

The Humane Methods of Slaughter Act of 1978 (7 U.S.C. 1901 et seq.) 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.

Findings/Basis for Suspension

At approximately 11:10am on May 18, 2020, an employee attempted to stun a mature Scottish Highland steer using a .22 Magnum rifle. When employees attempted to move the steer to the knock box, the steer's horns got stuck in an approximately 8-inch gap between the facility wall and the vertical beams at the back of the knock box. The steer could not be moved from this position, so the establishment employee attempted to stun the steer in that position. The initial stun attempt using a .22 Magnum rifle was ineffective, as the steer remained standing. Four (4) additional attempts to stun the steer using the same rifle were also ineffective, as the animal continued standing, continued rhythmic breathing, and exhibited tracking eye movement. After the fifth unsuccessful stunning attempt using the .22 Magnum rifle, the employee successfully stunned the steer using a 12-gauge shotgun. Inspection personnel immediately took a regulatory control action and placed US Rejected Tag # B24854306 on the knock box in accordance with 9 CFR 313.50(c) and notified the employee of the noncompliance. After discussion with the Team Lead and Regional Veterinary Medical Officer (RVMO) and subsequent discussion with the Raleigh District Office (RDO), at approximately 12:00pm inspection personnel notified the Plant Manager of the Raleigh District Office's intent to issue a Notice of Suspension. This establishment does not have a robust systematic approach to humane handling.

This incident represents a violation of 9 CFR 313.16(a)(1) which states, among other things, that " 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 incident is considered egregious because there were multiple attempts, especially in the absence of immediate corrective measures, to stun an animal versus a single blow or shot that renders an animal immediately unconscious.

The suspension action will remain in effect until you provide the Raleigh District Office with adequate written assurances, including corrective actions and further planned preventive measures, to assure that livestock at your establishment are slaughtered humanely. In order to resume inspected operations, you must submit corrective actions to my attention at the District Office. These corrective actions should include at a minimum the following:

1. Identify the assessment process used to determine the nature and cause of the noncompliances.

2. Identify what the assessment revealed as the likely cause of the system failure.
3. Describe the specific actions that will be taken to eliminate the cause of the failures.
4. Describe the future monitoring activities you will use to ensure that changes are implemented and are effective.

You are reminded that, as an operator of a federally inspected plant, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent inhumane handling of livestock 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. Please also be advised that you have the right to appeal this matter.

In accordance with 9 CFR 500.5(a)(5), you may appeal this action by contacting:

U.S. Department of Agriculture
Food Safety and Inspection Service
Attention: Michael Watts
Executive Associate for Regulatory Operations
1400 Independence Avenue, SW
Room 344-E, Whitten Building
Washington, DC 20250

In addition, you may also request a hearing regarding this determination pursuant to FSIS' Rules of Practice (9 CFR 500.). The rules of Practice were published in the Federal Register, Vol. 64, No. 228, on November 29, 1999. As specified in Section 500.5(d), 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, you should contact:

Scott C. Safian, Director
Food Safety and Inspection Service
Office of Investigation, Enforcement and Audit
Enforcement and Litigation Division
Stop Code 3753, PPIII, Cubicle 9-235A
1400 Independence Avenue, SW
Washington, D.C. 20250
Voice: (202) 418-8872
Fax: (202) 245-5097

It is our hope that this matter can be resolved quickly. If you have any questions, you may call me at 919-208-2945 or contact me via email at todd.furey2@usda.gov. You

may also contact Dr. Arial Thompson, Deputy District Manager, at 919-208-2946. We urge your cooperation and voluntary compliance.

Respectfully

,
**TODD
FUREY**

Digitally signed by
TODD FUREY
Date: 2020.05.18
16:25:33 -04'00'

Todd Furey
District Manager
Raleigh, NC

cc:

P. Bronstein, AA/FO

H. Sidrak, DAA/FO

M. Watts, EARO/FO

S. Safian, ELD/OIEA

L. Hortert, RD/CID/OIEA

R. Murphy, DDM/RDO/FO

M. Roling, DDM/RDO/FO

A. Thompson, DDM/RDO/FO

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Quarterly Enforcement Report

Establishment File (Est. M32062)