



Food Safety and
Inspection Service

January 31, 2020

Office of Field Operations

**ORIGINAL SENT VIA UPS NEXT DAY AIR
DELIVERY CONFIRMATION REQUESTED**

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

Mr. Andrew Pudliner, President
Pudliner Packing (Est. 4999)
167 Norton Road
Johnstown, PA 15906

REINSTATEMENT OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Pudliner,

This letter confirms verbal notification to Plant Manager Mr. Andrew Pudliner, President, at 2:50 P.M. on January 31, 2020, by Mr. Michael Osifat, Deputy District Manager (DDM), Philadelphia District Office, of our decision to place the Reinstatement of Suspension (ROS), issued to you on January 27, 2020, into abeyance. FSIS is providing you with this Reinstatement of Suspension Held in Abeyance (ROSHIA) based on your proposed corrective actions and preventive measures. FSIS determined that the suspension action will be placed in abeyance and the assignment of Inspection Program Personnel (IPP) will resume, pending FSIS verification of the adequacy of your humane handling program in achieving regulatory compliance. FSIS will be verifying your actions to ensure that you effectively implement the proffered corrective actions and preventive measures. This letter provides you with the chronology of events and conclusions, including your responsibilities as a federally inspected establishment.

The Establishment was under a ROSHIA for an ROS that occurred on June 26, 2019, FSIS issued a Reinstatement of Suspension (ROS) to withhold the marks of inspection and suspend the assignment of inspectors for your slaughter operation. This action was initiated in accordance with Title 9 of the Code of Federal Regulation (9 CFR) Part 500.3(b), after FSIS determined that your establishment failed to handle animals humanely, in violation of the Federal Meat Inspection Act (FMIA) [21 U.S.C 603] and 9 CFR 313.16 and 313.15.

In response to the suspension, you submitted written corrective actions and preventive measures on January 29, 2020. FSIS requested clarification of your response and you submitted further corrective actions on January 30 and 31.

Your Corrective and Preventive Measures are:

1. Removal of employee who caused the problem for abeyance period
2. Only personnel allowed to stun:
 - a. Andy Pudliner Sr.
 - b. Donnie Pudliner
3. Personnel were retrained with the following:
 - a. Recommended Captive Bolt (CB) Stunning techniques for Swine
 - b. Recommended Captive Bolt Stunning techniques for Cattle by Templin Grandin
 - c. How to Determine Insensibility in Cattle, Pigs, and Sheep in Slaughter Plants by Temple Grandin
4. Monitoring for 50% of bovines stunned for first month the 25% after
5. When an animal is distressed (based on excessive movement, jumping, moaning) a second employee will be present with back up stunning device (.22 rifle)
6. When stunning with CB a .22 magnum will be present. When stunning with .410 shotgun a 20-gauge shotgun will present.
7. The pig gate has been installed and will be used with all market swine (under 300# based on auction slip)
8. For swine under 300# a CB will be utilized, over 300# a .410 shotgun with slug.

FSIS inspection personnel have designed a Verification Plan (VP) and will use it to monitor and verify that you have effectively implemented your proposed actions. The VP identifies your corrective actions from your responses submitted to FSIS, the relevant regulatory requirements, the tasks FSIS will use to conduct verification activities, and the time frames that you identified. While these verification activities are targeted to your plant's animal handling, FSIS personnel will continue to ensure all humane handling/stunning regulatory requirements of 9 CFR Part 313 are in regulatory compliance. A copy of the VP is attached as a reference to assist you in understanding Agency verification activities.

Carried forward to this Verification Plan for the Reinstatement of Suspension Held in Abeyance are the unfinished Corrective and Preventive Measures from the Reinstatement of Suspension Held in Abeyance of July 2, 2019.

As an operator of a federally inspected facility, we expect you to comply with FSIS regulations and to take appropriate corrective action when either the establishment or FSIS identifies regulatory noncompliance. FSIS has the responsibility to initiate regulatory control or other appropriate action if your establishment fails either to operate in accordance with the regulations or to operate under sanitary conditions. A final decision relative to this enforcement action will be determined based on your establishment's ability to execute and comply with your proffered corrective actions and all applicable regulatory requirements. Your establishment's failure to meet the conditions of this abeyance may result in additional regulatory and/or administrative actions in accordance with the Rules of Practice 9 CFR Part 500.

If you have any questions, please contact Mr. Michael Osifat, Deputy District Manager via email at michael.osifat@usda.gov or by phone at (215)-430-6218.

Sincerely,

GEORGE
SLOBODJIAN

Digitally signed by
GEORGE SLOBODJIAN
Date: 2020.01.31
16:43:49 -05'00'

Dr. Lynda Lilyestrom
District Manager
Philadelphia District Office

Pudliner Packing (Est. 4999)

Verification Plan

January 31, 2020

ESTABLISHMENT ACTION PLAN	REGULATION	HUMANE HANDLING VERIFICATION CATEGORY	FREQUENCY
Removal of employee who caused the problem for abeyance period and Only personnel allowed to stun: Andy Pudliner Sr. Donnie Pudliner	9 CFR 313.15 and 9CFR 313.16	Category VIII Stunning Effectiveness	Confirm at each slaughter.
Employees re-trained on stunning and assessing insensibility, using documents by Dr. Temple Grandin.	9 CFR 313.15 and 9CFR 313.16	Category VIII Stunning Effectiveness	Confirm by observation or documentation once at reinstatement of slaughter.
Monitoring of 50% of the cattle stunned will be documented for each slaughter day the first month, then of 25% each slaughter day. Recorded on Monitoring Log	9 CFR 313.15 and 9CFR 313.16	Category VIII Stunning Effectiveness	Confirm by observation or documentation at each slaughter.
When an animal is distressed (based on excessive movement, jumping, moaning) a second employee will be present with back up stunning device (.22 magnum rifle)	9 CFR 313.15 and 9CFR 313.16	Category VIII Stunning Effectiveness	Confirm by observation and documentation weekly.
When stunning with CB a .22 magnum will be present. When stunning with .410 shotgun a 20-gauge shotgun will present	9 CFR 313.15 and 9CFR 313.16	Category VIII Stunning Effectiveness	Confirm by observation or documentation at each slaughter.
The pig gate has been installed and will be used with all market swine (under 300# based on auction slip)	9 CFR 313.15 and 9CFR 313.16	Category VIII Stunning Effectiveness	Confirm by observation or documentation at each slaughter.
For swine under 300# a Captive Bolt will be utilized, over 300# a .410 Shotgun with slug will be utilized	9 CFR 313.15 and 9CFR 313.16	Category VIII Stunning Effectiveness	Confirm by observation or documentation at each slaughter.

Inspection Program Personnel will perform humane handling verification every slaughter operation

day to verify the adequacy and effectiveness of the establishment's compliance with the humane handling regulatory requirements of 9 CFR Part 313. Inspection Program Personnel will ensure all humane handling/stunning regulatory requirements comply daily on each slaughter day, regardless of the stunning method. Inspection Program Personnel will review all monitoring, verification and corrective action records to verify procedures are being conducted as prescribed and at the specified frequency.

Cc:

FSIS - FO/Quarterly Enforcement Report

Ms. Geraldine French, Acting EARO, FSIS, OFO, Washington, DC

Mr. Mark Crowe, Director, CID, FSIS, OIEA Washington, DC

Mr. Joseph Priore, Acting RD, FSIS, OIEA, Philadelphia, PA

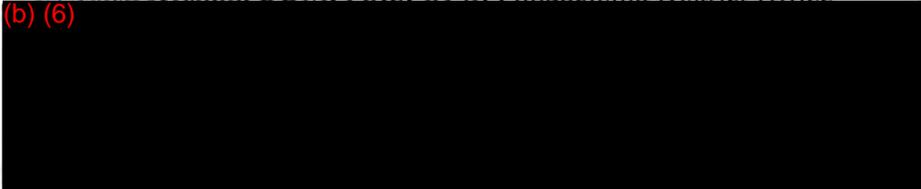
Dr. Linda Lilyestrom, DDM, FSIS, OFO, Philadelphia District Office

Mr. Michael Osifat, DDM, FSIS, OFO, Philadelphia District Office

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

Mr. Salah Ibrahim, DDM, FSIS, OFO, Philadelphia District Office

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