



United States Department of Agriculture

Food Safety and Inspection
Service
Office of Field Operations
Jackson District Office
713 S Pear Orchard Rd.
Suite 402
Ridgeland, MS 39157

July 18, 2019

Via email: harmonbrothersmeats@gmail.com
And USPS CERTIFIED MAIL
#7005 1160 0004 1966 6554

Mr. Dave Harmon, Owner
Harmon Brothers Meats, Inc. Est. M7356
425 Ambrose Road
Warsaw, KY 41095

NOTICE OF SUSPENSION

Dear Mr. Harmon:

This serves as official notification by the Food Safety and Inspection Service (FSIS) of our decision to suspend the assignment of inspectors for your slaughter operations at Establishment M7356, Harmon Brother Meats, Inc., Warsaw, KY 41095. This action is based on your establishment's failure to handle livestock humanely according to 9 CFR Part 313.

Background/Authority

Humane Methods of Slaughter Act: The 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. (7 U.S.C.1901)

Under the authorities of the Act, FSIS has prescribed rules and regulations required for establishments producing meat products, including the requirements pertaining to Humane Slaughter of Livestock (9 CFR Part 313). Specifically, your establishment failed to meet the following regulatory requirements as specified by 9 CFR Part 313.

In addition, under prohibited acts [21 U. S. C. 610 sec. 10(b)] states, "*No person, firm, or corporation shall, with the respect to any cattle, sheep, goats, horses, mules, or other equines, or any carcass, parts of carcasses and meat or meat food products of any such animals slaughtered or handled in*

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connection with slaughter any such animals in any manner not in accordance with sections 1901 to 1906 of Title 7”.

Humane Methods of Slaughter Act: Humane Methods of Slaughtering Act, 7 U. S. C. 1901 states, *“The 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 slaughtering operations; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors and consumers which tends 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 (7 U.S.C. 1901).”*

FSIS has also developed Rules of Practice regarding enforcement (9 CFR Part 500). The Rules of Practice describe the types of enforcement action 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 Federal inspection. 9 CFR § 500.3(b) states *“FSIS also may impose a suspension without providing the establishment prior notification because the establishment is handling or slaughtering animals inhumanely.”*

Findings/Basis for Action

On July 18, 2019, FSIS personnel were observing kill floor activity at Harmon Bros. Meats (M7356) Warsaw, KY at approximately 1215 hrs. EDT. After placing mature sheep in the knock box, kill floor personnel raised the side of the knock box and were observed grabbing an animal by the front leg thereby casting the animal to its side and proceeded to drag the conscious animal on its side for approximately 5 feet to the site where the ritual cut was made on the neck of the animal. This observation was brought to the attention of Mr. Dave Harmon, Owner of the establishment, who was advised of the regulatory control action being taken with the placement of “U.S. Rejected” tag number B37427566 on the knock box by IPP. The chain of command for the Office of Field Operations (OFO) Jackson District was notified of the action taken at the establishment.

On July 18, 2019, at approximately 1:45 PM CDT, the Deputy District Manager, Jackson District Office, telephonically contacted you to sustain the withholding action to suspend federal slaughter activities at your facility. You are herein receiving written notification of the suspension of the assignment of inspectors at your slaughter operations with this letter.

The occurrence of this inhumane handling incident constitutes a violation of the humane slaughter requirements and supports a conclusion that your handling of livestock violated the provisions of 21 U.S.C. 603, Section 3 (b) of the FMIA, and 7 U.S.C. 1901 and 1902 of the Humane Methods of Slaughter Act of 1978. You failed to meet the regulatory requirements of 9 CFR Part 313. The suspension of the assignment of inspectors for federal slaughter activities will remain in

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effect until you provide written corrective actions and preventive measures to the Jackson District Office, to assure that the animals at your establishment will be handled humanely in accordance with the Humane Methods of Slaughter Act and regulations promulgated there under.

Please provide this office with a written response concerning this Notice of Suspension by addressing the following:

- Evaluate and identify the root cause of the incident.
- Explain the specific reason(s) why the event occurred.
- Describe the specific actions taken to eliminate the root cause of the incident.
- Describe specific planned actions that you will take to prevent future recurrences.

Please provide associated records that include monitoring and verification activities that your establishment will use to ensure that the changes made are effectively implemented. We will determine further action, if any, based on your response(s).

As a federally inspected establishment, you are expected to comply with 9 CFR Part 313 of the regulations and all other requirements concerning the humane slaughter of livestock. In accordance with 9 CFR § 500.3(b), we are implementing a suspension of the assignment of inspectors for your federal slaughter activities due to inhumane handling. Establishment management should clearly understand the seriousness of repetitive humane handling violations which could lead to Agency actions, that could result in actions to withdraw the grant of inspection.

You may appeal this action by contacting:

Scott C. Safian, Director
Enforcement and litigation Division
Office of Investigation, Enforcement, and Audit
Food Safety Inspection Service
United States Department of Agriculture
Stop Code 3753, PP3, Cubicle 9-235A
1400 Independence Avenue, SW
Washington, DC 20250
Telephone: (202) 418-8872
Facsimile: (202) 245-5097

In accordance with 9 CFR § 500.5, you may request a hearing concerning this action by contacting:

Or

Physical (Courier) Address:

Scott C. Safian, Director
Enforcement and Litigation Division
Office of Investigation, Enforcement, and Audit
Food Safety and Inspection Service

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United States Department of Agriculture
Patriot Plaza III, 9th Floor, Cubicle 9-235A
355 E Street, SW
Washington, DC 20024-3221

Telephone: (202) 418-8872

Facsimile Number: (202) 245-5097

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 inhumane treatment of animals. We urge your voluntary cooperation and compliance.

Please be advised that this matter may also constitute a violation of the Consent Order and Decision you entered into with FSIS on February 6, 2019, could result in additional enforcement or legal action including the summary withdrawal of inspection services.

If you have any questions, please contact the Jackson District Office at (601) 965-4312.

Sincerely,


Dr. Larry Davis
District Manager
Jackson District Office

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cc: (b) (6)

[Redacted]

Dr. David Thompson, DDM (via electronic copy)

Dr. Gregory Brookhouser, DDM (via electronic copy)

Mr. William Griffin, DDM (via electronic mail)

Dr. Larry Davis, DM (via electronic copy)

(b) (6)
[Redacted]

Ms. Geraldine French, Acting EARO (via electronic copy)
Washington, D. C. FSIS HQ personnel (via electronic copy)