



United States Department of Agriculture

Food Safety and  
Inspection Service

Office of Field  
Operations

Atlanta District Office  
100 Alabama St., SW.  
Suite 3R90  
Atlanta, GA. 30303  
Phone: 404-562-

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Toll Free:  
800-282-7005

**Certified Mail**

September 19, 2020

Mr. Francois Leger, Owner  
FPL Food, Est. M332  
1301 New Savannah Road  
Augusta, GA 30901

**NOTICE OF SUSPENSION**

Dear Mr. Leger,

This serves as official notification by the Food Safety and Inspection Service (FSIS) to withhold the marks of inspection and suspend the assignment of slaughter inspection personnel for your slaughter program at FPL Food, Est. M332, located at 1301 New Savannah Road Augusta, GA 30901.

**Background Authority**

The Federal Meat Inspection Act (FMIA) [21 U.S.C. 603] provides that it is essential that livestock be handled with minimum of excitement and discomfort during holding and slaughtering. Section 3 (b) of the Federal Meat Inspection Act states, *“For the purpose of preventing the inhumane slaughtering of livestock, the Secretary shall cause to be made, by inspectors appointed for the purpose, an examination and inspection of the method 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 inspection to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equine have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with sections 1901 to 1906 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.”*

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. It also gives FSIS program personnel the right to

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examine and inspect carcasses and parts of carcasses that are further treated and prepared and the right to access and examine establishment records. When conditions exist concerning the slaughtering and handling of livestock, not by a method in accordance to sections 1901 to 1906 of Title 7, FSIS can refuse to render inspection and indefinitely withdraw inspection from an establishment, provided the establishment is afforded the right to an administrative hearing.

Under the authority of the Act, FSIS has prescribed rules and regulations required for establishments slaughtering and handling livestock according to 9 CFR 313 et seq. 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.

### **Basis for Action**

This Suspension is based upon your establishment being in violation of 9 CFR 313.2(a) and 9 CFR 313.15(a)(2).

9 CFR 313.2 (a) states: *Driving of livestock from the unloading ramps to the holding pens and from the holding pens to the stunning area shall be done with a minimum of excitement and discomfort to the animals. Livestock shall not be forced to move faster than a normal walking speed.*

9 CFR 313.15(a)(2) states: *The driving of the animals to the stunning area shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the stunning areas is essential since accurate placement of stunning equipment is difficult on nervous or injured animals.*

Specifically, on September 19, 2020 at 9:30am Inspection Program Personnel (IPP) observed a cow as it ran through the skinning line, harvest floor, and offal before exiting the building. The cow was continuously slipping and falling on the floor as it ran through the building. It then ran into the hide room and back out into the parking area where it slipped and fell onto the concrete. The cow stood up and while disoriented from the fall, an establishment employee was able to approach the cow and knock it with a handheld captive bolt. The cow was then stuck and bled out. IPP observed numerous wounds and injuries to the carpi, hocks, distal limbs, and ventrum. IPP took a regulatory control action by placing USDA Reject tag B37085514 on the knock-box. Knocking was subsequently stopped by the establishment and the Atlanta District Office was notified. IPP reviewed video footage from the knock-box (brisket conveyor/restrainer) and observed the cow escape from the knock-box by climbing over top of the knocked and unconscious cow in front of it, then it jumped out of the knock-box and fell 5-6 feet onto the incline table below. The establishment does not have a Robust Systematic Approach (RSA) for the humane handling of livestock.

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In accordance with 9 CFR Part 500, the suspension of the assignment of inspectors from your establishment's slaughter operations shall remain in effect until such time you provide adequate written assurances of corrective and preventive measures sufficient to assure that livestock are handled and slaughtered with minimal discomfort. These corrective actions and preventive measures should include at a minimum:

- 1) Identify the assessment process used to determine the nature and cause of the incident.
- 2) Identify what the assessment revealed as the likely cause, i.e. the specific reason(s) why the event occurred.
- 3) Describe the specific actions that will be taken to eliminate the cause of the incident.
- 4) Describe the specific actions that will be taken to prevent future reoccurrences.
- 5) Describe the future monitoring activities that your establishment will use to ensure that the actions are effective.

As a federally inspected establishment, you are expected to comply with the Humane Methods of Slaughter Act and all applicable FSIS regulations. Establishment personnel should continue to monitor operations to prevent humane handling failures from occurring in the future and maintain process control.

You may appeal this determination to:

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 accordance with 9 CFR 500.5(d), you may request a hearing concerning this action by contacting:

Physical Address:                      Scott C. Safian, Director  
(For courier)                            Enforcement and Litigation Division  
    Office of Investigation, Enforcement and Audit  
    Food Safety and Inspection Service  
    United States Department of Agriculture  
    Patriots Plaza III, 9th Floor, Cubicle 9-235A  
    355 E Street, SW

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Washington, DC 20024-3221

or

Mailing Address:

Scott C. Safian, Director  
Enforcement and Litigation Division  
Office of Investigation, Enforcement and Audit  
Food Safety and 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  
Fax Number: 202-245-5097

If you have any questions, please contact the Atlanta District Office at (404) 562-5900.

Sincerely,

**PHYLLIS** Digitally signed by  
PHYLLIS ADAMS  
**ADAM** Date: 2020.09.22  
12:09:13 -04'00'

Dr. Phyllis Adams  
District Manager

cc: Phillip Bronstein, AA/OFO  
Hany Sidrak, DAA/OFO  
Michael Watts, EARO/OFO  
Scott Safian, ELD/OIEA  
Larry Hortert, RD/CID/OIEA

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Ghias Mughal, DDM/OFO  
Tracy Bryant, DDM/OFO  
Barney Welch, DDM/OFO

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