



United States Department of Agriculture

Food Safety and Inspection
Service
Office of Field Operations
Jackson District Office
713 S Pear Orchard Rd,
Plaza 2, Suite 402
Ridgeland, MS 39157

June 19, 2020

**Via Email: marblecitymeats@gmail.com
And FedEx Tracking Number
#770750552618**

Mr. Matthew Lawrence, Owner
Marble City Meats, LLC, Est. M46070
514 Odena Road North
Sylacauga, AL 35150

NOTICE OF REINSTATEMENT OF SUSPENSION

Dear Mr. Lawrence:

On June 19, 2020, a "Notice of Reinstatement of Suspension" was issued to suspend the assignment of inspectors for your federal slaughter activities at Marble City Meats, LLC, 514 Odena Road North, Sylacauga, AL 35150, Est. M46070. This action was based on your establishment's failure to handle livestock humanely according to 9 CFR Part 313.

Background/Authority

The Federal Meat Inspection Act (FMIA (21 U.S.C. 603(b))) provides that for the purpose of preventing the inhumane slaughtering of livestock, the secretary cause to be made, by inspectors appointed for that 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 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 accordance with such a method.

This Act gives FSIS program personnel the right to examine and inspect all carcasses and parts of carcasses that are further treated and prepared, and the right to access and examine establishment records. When the sanitary conditions of a facility are not properly maintained, FSIS can refuse to render inspection and indefinitely withdraw inspection from an establishment provided the establishment is afforded the right to an administrative hearing.

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Under the authority of the Act, FSIS has prescribed rules and regulations required for establishments producing meat products, including the requirements of the Humane Methods of Slaughter Act and other matters. Specifically, your establishment failed to meet the regulatory requirements as specified by 9 CFR § 313.15 (a)(1) and (3) which states, “(a) *Application of stunners, required effect; handling. (1) The captive bolt stunners shall be applied to the livestock in accordance with this section so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement or discomfort. (3) Immediately after the stunning blow is delivered the animals shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking, and bleeding*”.

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 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 prescribed Rules of Practice regarding enforcement (9 CFR Part 500). The Rules of Practice describes the types of enforcement actions that FSIS may take including 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 September 9, 2019, a “Notice of Suspension” was issued to suspend the assignment of inspectors for your federal slaughter activities at Marble City Meats, LLC, Est. M46070. This action was based on your establishment’s failure to handle livestock humanely according to 9 CFR Part 313. Specifically, FSIS personnel observed the Establishment Owner/HACCP Coordinator Mr. Matthew Lawrence performing stunning procedures on a Kune-Kune pig over the age of two. The establishment uses a hand-held captive bolt (HHCB) as their primary and secondary stunning method. The first stun attempt was ineffective. The establishment owner immediately retrieved the backup HHCB and immediately conducted a second stun. The second stun attempt was also ineffective to render the animal insensible. The owner reloaded the primary HHCB and issued a third stun which was also ineffective. The owner reloaded the backup HHCB and delivered a fourth stun which again failed to render the animal insensible. The owner then retrieved a .22 caliber rifle and attempted a fifth attempt with the rifle and was ineffective to render the animal insensible to pain. Finally, on the second attempt with the rifle (6th overall attempt), the animal was rendered unconscious and insensible to pain. The Inspector-in-Charge (IIC) tagged the knocking box with U.S. Reject tag #B-45308594 and contacted his Frontline Supervisor.

On June 19, 2020 at approximately 6:50 AM, the Supervisory Public Health Veterinarian (SPHV) and IIC observed Establishment Owner Mr. Matthew Lawrence performing slaughter operations on a market hog. FSIS inspection personnel observed the hog regaining consciousness and vocalizing during the sticking step. The establishment initially stunned the hog with a head electrical stun then a heart electrical stun, which rendered the animal insensible. The animal subsequently regained consciousness. The

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establishment then did not re-stun but rather stuck the conscious animal until it bled out. This was the only animal at the establishment for federal slaughter for the day. The IIC tagged the establishment's stun box with U.S. Reject tag #B-45308605.

On June 19, 2020, the DDM contacted you telephonically at approximately 8:00 AM CDT and informed you that the withholding action to reinstate the suspension of federal slaughter activities at your facility was sustained. You are herein receiving written notification of the reinstatement of the suspension of the assignment of inspectors for your federal slaughter activities 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. Your establishment failed to meet the regulatory requirements of 9 CFR § 313.15 (a) (1 and 3). The suspension of the assignment of inspectors for your federal slaughter activities will remain in 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 the Jackson District Office with a written response concerning this Notice of Reinstatement 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 specific actions taken to eliminate the root cause of the incident.
- Describe specific planned actions you will take to prevent further reoccurrences.

Please provide associated records that include monitoring and verification activities that you 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 § 313.15 (a) (1 and 3) 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 egregious inhumane 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:

Executive Associate for Regulatory Operations
Office of Field Operations
United States Department of Agriculture
Room 3157-South Building
1400 Independence Avenue SW
Washington, D. C. 20250-3700
Telephone: (202) 720-3697
Facsimile: (202) 720-5439

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In addition, you may also request a hearing regarding this determination pursuant to FSIS Rules of Practice, 9 CFR Part 500. The Rules of Practice were published in the Federal Register, Vol. 64, no 228, on November 29, 1999. As specified in 9 CFR § 500.5 (d), should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing. You may request a hearing by contacting:

Mailing Address:

Scott C. Safian, Branch Chief
Enforcement and Litigation Division
Enforcement Operations Branch
Office of Investigation, Enforcement, and Audit
Food Safety Inspection Service
United States Department of Agriculture
Stop Code 3753, PP III, Cubicle 9-235A
1400 Independence Avenue SW
Washington, D. C. 20250

Or

Physical (Courier) Address:

Scott C. Safian, Branch Chief
Enforcement and Litigation Division
Enforcement Operations Branch
Office of Investigation, Enforcement and Audit
Food Safety Inspection Service
United States Department of Agriculture
Patriots Plaza III, 9th Floor, Cubicle 9-235A
355 E Street, SW
Washington, D. C. 20024-3221
Telephone: (202) 418-8872
Facsimile: (202) 245-5097

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

Sincerely,



Dr. Larry Davis
District Manager
Jackson District Office