



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations

Atlanta District Office

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Certified mail

September 21, 2020

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

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Leger:

On September 19, 2020, the Food Safety and Inspection Service (FSIS) issued a Notice of Suspension (NOS) withholding the marks of inspection and suspending the assignment of slaughter inspection program personnel for livestock slaughter at FPL Food, LLC, Est 332, located at 1301 New Savannah Road Augusta, GA 30901. This action was based on your establishment's failure to handle livestock humanely according to 9 CFR Part 313.

On September 19, 2020, you submitted written corrective actions and preventive measures to meet the requirements of the Humane Methods of Slaughter Act. Based on your assessment, you determined that the cause of the incident was a cow climbed on top of the cow in front of it then jumped out of the restrainer and was able to escape the knocking area and injured itself. Your corrective actions included: the company would install a bar over the top of the restrainer belt that will allow for proper stunning of the animals but limit space over the restrainer to prevent an animal from being able to climb over another animal and escaping the knocking area; the company will ensure the bar over the restrainer is in place prior to stunning animals and will monitor daily to ensure the preventive measures are effective.

On September 19, 2020, during a telephone conversation with the District Veterinary Medical Specialist (DVMS), your representative notified FSIS of changes to your proffered corrective actions and preventive measures. These changes included: installing a "cage" instead of a bar over the restrainer belt to better contain cattle on the restrainer; and retraining stunning employees on proper operation of the stunning belt so that cattle are not allowed to come forward if they are not stunned. FSIS requested that you provide a brief description of what was discussed during the retraining, documentation describing what type of monitoring procedure(s) will be performed, the

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frequency the procedure(s) will be performed, a copy of the record that will be used to document monitoring and a copy of the training record with employees' signatures.

On September 20, 2020, you submitted additional clarification for your written corrective actions and preventive measures. Specifically, you stated the retraining of stunners would include: having the stunning device ready for use prior to turning on the restrainer belt bringing cattle forward; reversing the belt if an animal begins to mount another animal in front of it; stunning the animal when it is first emerging from the restrainer tunnel; and other general operational procedures. Monitoring and documentation of implemented corrective actions would include bar placement (over the restrainer); stunning immediately after the tunnel; stunning devices ready prior to starting restrainer belt 4; and restrainer belt reversal if needed. Additionally, an adjustable bar would be installed over the restraining belt to prevent cattle from climbing up and out of the breast conveyor.

On September 20, 2020, during a telephone conversation with the District Veterinary Medical Specialist (DVMS), you were notified that on September 21, 2020, Inspection Program Personnel (IPP) assigned at your facility would be available to verify the installation of the adjustable bar over the belt restrainer and that records documenting retraining of establishment personnel should be presented to FSIS personnel for review when they are completed.

On September 21, 2020, you were verbally notified that these corrective actions and preventive measures met the requirements to place FPL Foods, LLC, in a Notice of Suspension Held in Abeyance (NOSHA).

Please be further advised that this suspension of inspection at your establishment will remain in abeyance pending verification by FSIS that your proposed corrective actions and preventive measures have been implemented and are effective in ensuring future regulatory compliance and preventing the inhumane treatment of animals. Agency personnel will begin immediate verification of your corrective actions and preventive measures.

A copy of the FSIS Verification Plan is attached to assist you in understanding the nature and importance of the agency's verification activities. The FSIS Verification Plan is designed to verify that your establishment fully implements the corrective actions and preventive measures stated in your responses, and that these corrective actions and preventive measures are effective in ensuring future regulatory compliance. The FSIS Verification Plan identifies your corrective actions, the regulatory requirement(s), and the PHIS Task under which FSIS officials will verify the implementation and effectiveness of your proposed action plan.

Please be reminded that as a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate actions to prevent the inhumane

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handling of animals. It is important for you to understand that FSIS has the responsibility to initiate action if your establishment fails to operate in accordance with the regulations, or conditions occur that do not comply with the Humane Methods of Slaughter Act. Please be advised that failure to comply with these regulatory requirements or failure to effectively implement your proposed corrective actions and preventive measures could result in the immediate suspension of inspection at your establishment or other appropriate action.

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

Sincerely,

PHYLLIS Digitally signed by
PHYLLIS ADAMS
ADAMS Date: 2020.09.22
09:20:31 -04'00'

Dr. Phyllis Adams
District Manager

cc: Phil Bronstein, AA/OFO
Hany Sidrak, DAA/OFO
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