



Food Safety and
Inspection Service

Raleigh District Office

6020 Six Forks Road
Raleigh, NC. 27609
Voice: 919-844-8400
Fax: 844-839-6360

October 10, 2019

EMAIL / COURIER

Mrs. Terrie Hardesty, Owner
Working H Meats, LLC, Est. M19290
5481 Friendsville Rd.
Friendsville, Maryland 21531

NOTICE OF REINSTATEMENT OF SUSPENSION

Dear Mrs. Hardesty,

This letter confirms the verbal notification you were given on October 10, 2019, at approximately 0840 hours by the Food Safety and Inspection Service (FSIS) Inspection Program Personnel (IPP) of the reinstatement of suspension of the assignment of inspectors for slaughter operations at Working H Meats, LLC, Est. M19290, herein after referred to as "your establishment." This action was initiated in accordance with Title 9 of the Code of Federal Regulations (9 CFR) 500.3, after FSIS determined that your establishment failed to slaughter and handle animals humanely.

Background/Authority

The Federal Meat Inspection Act (FMIA) (Title 21 of the United States Code {21 U.S.C.} 603 et seq.) provides that for the purpose of preventing the inhumane slaughtering of livestock, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the methods 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 slaughtering 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 in accordance with such a method.

The Humane Methods of Slaughter Act of 1978 (7 U.S.C. 1901 et seq.) provides that 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.

Findings/Basis for Suspension

At approximately 0840 hours, an Angus cross steer was loaded into the kill chute and the head gate. The animal laid down and would not get up or lift its head to be locked into the head restraint mechanism recently installed as part of your corrective actions to your previous humane handling enforcement action. A plant employee fired the .22 magnum and the steer appeared to be unconscious. The employee checked the eye reflex twice with no response and stated that the tongue was hanging out. They then replaced the gun on the wall. The steer was released from the chute, struggled on the floor, and then began trying to get up. The employee then retrieved the .308 rifle but was not able to get a good shot with the .308 rifle immediately. At 0838 hours, the employee stuck the conscious steer to get it to bleed out. A few seconds later, the employee was able to get a shot with the .308 rifle, and the steer was rendered unconscious.

At approximately 0840 hours, IPP officially notified the establishment owner of the pending Suspension and placed US Rejected Tag # B40457349 on the knock box in accordance with 9 CFR 313.50(c). This establishment was currently in abeyance for another ineffective stunning incident and therefore does not have a robust, systematic approach to humane handling.

This incident represents a violation of 9 CFR 313.16(a)(1) which states "*The firearms shall be employed in the delivery of a bullet or projectile into the animal in accordance with this section so as to produce immediate unconsciousness in the animal by a single shot before it is shackled, hoisted, thrown, cast, or cut. The animal shall be shot in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.*" This incident also represents a violation of 9 CFR 313.16(a)(3) which states "*Immediately after the firearm is discharged and the projectile is delivered, the animal shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding.*"

This incident is considered egregious because the animal returned to consciousness after the initial stun attempt, there was a delay in rendering the animal unconscious once it had regained it, and your employee chose to stick the conscious animal instead of rendering it unconscious first.

The suspension action will remain in effect until you provide the Raleigh District Office with adequate written assurances, including corrective actions and further planned preventive measures, to assure that livestock at your establishment are slaughtered humanely. In order to resume inspected operations, you must submit corrective actions

to my attention at the District Office. These corrective actions should include at a minimum the following:

1. Identify the assessment process used to determine the nature and cause of the noncompliances.
2. Identify what the assessment revealed as the likely cause of the system failure.
3. Describe the specific actions that will be taken to eliminate the cause of the failures.
4. Describe the future monitoring activities you will use to ensure that changes are implemented and are effective.

You are reminded that, as an operator of a federally-inspected plant, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent inhumane handling of livestock at your establishment. Please be advised that your failure to respond adequately to these issues may result in our initiating action to withdraw inspection from your establishment. Please also be advised that you have the right to appeal this matter.

In accordance with 9 CFR 500.5(a)(5), you may appeal this action by contacting:

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 addition, you may also request a hearing regarding this determination pursuant to FSIS' Rules of Practice (9 CFR 500.). The rules of Practice were published in the Federal Register, Vol. 64, No. 228, on November 29, 1999. As specified in Section 500.5(d), should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing. If you wish to request a hearing regarding this determination, you should contact:

Scott C. Safian, Director
Food Safety and Inspection Service
Office of Investigation, Enforcement and Audit
Enforcement and Litigation Division
Stop Code 3753, PP3, Cubicle 8-235A
1400 Independence Avenue, SW
Washington, D.C. 20250

Voice: (202) 418-8872
Fax: (202) 245-5097

It is our hope that this matter can be resolved quickly. If you have any questions, please call me at 919-208-2945 or Dr. Beth Cunningham, Deputy District Manager, at 919-208-2934. We urge your cooperation and voluntary compliance.

Sincerely,

TODD
FUREY

Digitally signed
by TODD FUREY
Date: 2019.10.10
12:57:15 -04'00'

Todd Furey
District Manager
Raleigh, NC

Cc:

P. Bronstein, AA/FO

H. Sidrak, DAA/FO

M. Watts, EARO/FO

S. Safian, ELD/OIEA

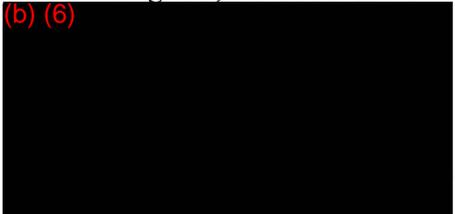
L. Hortert, RD/CID/OIEA

R. Murphy, DDM/RDO/FO

M. Roling, DDM/RDO/FO

B. Cunningham, DDM/RDO/FO

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Quarterly Enforcement Report
Establishment File (Est. M19290)