



July 25, 2018

Food Safety and
Inspection Service

Alameda District
800 Buchanan St.
Albany, CA 94710

Phone: (510) 769-5712
Fax: (510) 337-5081

Mr. Lawrence T. Mori, Owner
York Meats
Est. M6482
3600 York Lane
Fallon, NV 89406

**CERTIFIED RETURN
RECEIPT REQUESTED**

E-mail: fmdrakehunter@yahoo.com

NOTICE OF SUSPENSION

Dear Mr. Mori:

This letter confirms the verbal notification provided to your establishment on July 25, 2018, by the Food and Safety Inspection Service (FSIS), Alameda District of the suspension of the assignment of inspectors at your establishment and the withholding of the marks of inspection for the slaughter operations, in accordance with 21 U.S.C. 603 and Title 9 Code of Federal Regulations (CFR) Part 500.3 (b). This action was initiated due to your firm's failure to maintain or implement required controls to prevent the inhumane handling and slaughtering of livestock at your establishment and to appropriately slaughter animals in accordance with Title 9 CFR Part 313.16(a)(1). This is in violation of 21 U.S.C. 603(b) of the Federal Meat Inspection Act, the Humane Methods of Slaughter Act of 1978, and the regulations promulgated thereunder.

Background/Authority:

The Federal Meat Inspection Act (FMIA) (21 USC 603 et seq.) provides for the purpose of preventing the inhumane slaughtering of livestock that FSIS has the authority, as designated by the Secretary of the Department of Agriculture, to prescribe rules and regulations describing examine and inspect 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 the Act. FSIS may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughter establishment if FSIS finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handle in connection with slaughter at such establishment by any method not in accordance with sections 1901 to 1906 of USC Title 7 until the establishment furnishes assurances satisfactory to FSIS that all slaughtering and handling in connection with the slaughter of livestock shall be in accordance with such a method.

Under the authorities of the Act, FSIS has prescribed rules and regulations required for the humane slaughtering of livestock, as contained in Regulations 9 CFR Part 313, and the Humane Methods of Slaughter Act of 1978. FSIS has also developed Rules of Practice regarding enforcement prescribed in 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, as well as the procedures for filing a complaint to withdraw a Grant of Federal Inspection.

Findings and Basis for Action:

On July 25, 2018, at approximately 0815 hours, the FSIS Consumer Safety Inspector (CSI) was observing slaughter operations on the kill floor of Establishment M6482, when the CSI heard four gunshots from the knock box. The CSI went to the knock box to investigate, and observed a mature bull that had been knocked four times, with four entry holes in its forehead, that was still breathing. The bull was breathing, kneeling on its front legs, and had its head raised, with eyes moving and looking around. The CSI asked the stunner employee what the problem was, and the employee stated the animal was too large for the .17 magnum rifle. The CSI notified you, Mr. Lawrence Mori Sr. and Mr. Lawrence Mori Jr., establishment owners, that this was an egregious inhumane event. The CSI took regulatory control and tagged the knock box with U.S. Retained Tag #A9334068 and called his supervisor, while Mr. Mori Sr. went to retrieve a larger gun. Approximately 20 minutes later, your establishment effectively stunned the bull with a .38 magnum pistol.

This is an egregious act of inhumane handling of animals in connection with slaughter, as your employee was unable to render the bull immediately unconscious, and the re-stunning was delayed while you obtained a larger caliber gun. Your establishment does not currently have a robust Systematic Approach to the humane handling of livestock.

This is a violation of Title 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 is considered an egregious act per Humane Handling and Slaughter of Livestock regulations and Agency guidance that define, in part, egregious inhumane treatment of livestock as any act or condition that results in severe harm to animals.

The Federal Meat Inspection Act 21 U.S.C. Section 603(b) provides legal authority to suspend operations at any establishment where animals have not been handled in a humane manner as described in 7 U.S.C. 1901 where it states, *“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.”* In accordance with Title 9 CFR 500.3(b), the suspension of inspection at an establishment without prior notification for inhumane handling practices is warranted, as specified in Title 9 CFR 313 and under authority of 21 U.S.C. 621.

These findings demonstrate your failure to adhere to the regulatory requirements of the humane handling and slaughter of livestock, as required by the Federal Meat Inspection Act, 21 U.S.C. 603 (b) and the Humane Methods of Slaughter Act, and the regulations promulgated thereunder.

Based on the above findings and your failures to meet statutory and regulatory requirements for the humane handling and slaughter of livestock, and in accordance with Title 9 CFR 500.3(b), FSIS is suspending the assignment of inspectors and withholding the marks of inspection for the slaughter operations at your establishment. This letter confirms the verbal notification of the suspension of the assignment of inspectors for the slaughter operations that FSIS provided to your establishment on July 25, 2018.

The suspension of the assignment of inspectors will remain in effect until such time as you can proffer to the FSIS, Alameda District Office, adequate written assurances including corrective actions and preventative measures to assure that livestock at your establishment are handled and slaughtered humanely, in accordance with the FMIA, The Humane Methods of Slaughter Act, and regulations promulgated thereunder.

In addition, failure to respond to this Notice of Suspension and failure to assure that animals at your establishment are handled and slaughtered humanely in accordance with the statutory and regulatory requirements may result in further administrative enforcement actions.

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

Keith Gilmore
Executive Associate for Regulatory Operations
210 Walnut Street
Room 923
Des Moines, IA 50309
Phone: 515-727-8970

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

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

If you have any questions, please call the Alameda District Office at (510) 769-5712.

Sincerely,

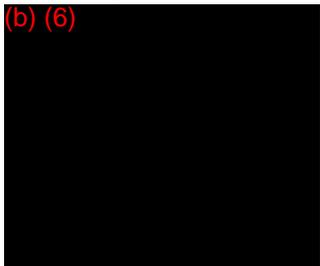
*/s/ Frank Gillis, DDM
(for)*

Yudhbir Sharma, DVM
District Manager

cc:

A. Amin, DDM
S. Beckett, DDM
V. Felix, DDM
F. Gillis, DDM

(b) (6)



S. Baucher, RD/OIEA
USDA IIC, Est. M6482
FO/QR