



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

September 11, 2020

**Via Email: moonlightmeatprocessing@gmail.com  
And FedEx Tracking  
#771505428023**

Ms. Anne Bays, Owner  
Moonlight Meat Processing, Est. M33845  
90 AJ Sutton Road  
Williamsburg, KY 40769

#### **NOTICE OF DEFERRAL**

Dear Ms. Bays:

On August 20, 2020, the Food Safety Inspection Service (FSIS) issued to your establishment, Moonlight Meat Processing, Establishment M33845, a "Notice of Intended Enforcement" (NOIE) action as per 9 CFR § 500.4 (Rules of Practice). This NOIE was based on your establishment's failure to effectively implement the humane methods of slaughtering and handling of animals in a manner that complies with the regulatory requirements prescribed by the Federal Meat Inspection Act (FMIA) and the Humane Methods of Slaughter Act (HMSA). Specifically, on August 20, 2020, at approximately 0815 hours while performing the Humane Handling Verification Task under HATS Category VIII at Establishment M33485, it was observed that your operator fired the first shot to a Bovine which was still standing. A second shot was delivered by your operator and the animal was clearly standing on all four legs and shaking its head. A third shot was fired which rendered the Bovine insensible to pain as it fell, there was no vocalization or signs of life. A 410-slug hollow point was used with a rifle in all three instances. The kill box (chute) was rejected with Tag number B31989097 and (b) (6) at Moonlight Meat Processing, Est. 33845 M was notified. Your establishment currently has a robust systematic approach to humane handling.

On August 25, 2020, you submitted your first response with written corrective actions and preventive measures in an effort to meet the regulatory requirements of the Humane Methods of Slaughter Act. The Jackson District Office analyzed your response and advised you that the proffered corrective actions and preventive measures were not adequate. Specifically, you were asked to provide the specificity of the root cause that led to the humane failure event; provide specific training material, what landmark chart is being used, and is a landmark chart visible to employees on the kill floor for fast reference: there should be verifiable training materials provided as part of your corrective action submittal and a log showing date, names, and initial/dating of employee or employees trained and when was performed; provide clarification for your "Stunning Equipment Cleaning and Maintenance SOP" which includes your monthly stun device cleaning and maintenance and associated log showing date, names, and

**An Equal Opportunity Provider and Employer**

## **NOTICE OF DEFERRAL**

Moonlight Meat Processing, Est. M33845

Ms. Anne Bays, Owner

September 11, 2020

Page 2 of 5

actions performed; as proffered in your establishment's plans to have your more experienced employee perform stuns on the next 30 animals, provide your corrective action plan for if your stun operator employee is absent from work and cannot perform stuns on the next 30 animals; and provide your corrective actions on how your establishment plan to address if an animal is "unsettled" to prevent animal movement that could possibly lead to an ineffective stun.

On August 27, 2020, you submitted your second response with written corrective actions and preventive measures to meet the regulatory requirements of the Humane Methods of Slaughter Act. The Jackson District Office analyzed your response and informed you that your responses were not adequate. Specifically, you were asked to provide verifiable training materials ensuring delivery of a calm animal to the stun box and stun operator proficiency; provide your spot placement document/landmark chart; provide your stun operator's credentials; provide specifics regarding your initial training and refresher training for your employees; provide the metrics for when your employees are "properly trained" and assigned for USDA slaughter; provide your "Stunning Observation Log"; you stated in your corrective action plan that you or your plant manager will observe all stuns to be able to assess the conditions around your kill chute and after the 30 days, you will continue to observe three stuns per month to monitor the stunning process indefinitely; provide specifics for your monitoring personnel for the next 30 days and your observations of the three stuns per month and associated logs for your monitoring of your stun operator; provide your cleaning and maintenance SOP for your firearm and associated logs; provide your bullet maintenance SOP: use of a dry box to protect the ammunition from moisture, develop a first in-first out SOP for your ammunition usage ensuring that the oldest ammunition is used first and that ammunition which is exposed to the moist kill floor environment is the first to be used, and any testing of ammunition prior to use; and provide associated logs for your first-in-first-out SOP.

On September 7, 2020, you submitted your third response with written corrective actions and preventive measures to meet the regulatory requirements of the Humane Methods of Slaughter Act. The Jackson District Office analyzed your response and informed you that your responses were not adequate. Specifically, you were asked to provide additional information regarding the restraint method for the longhorn cattle to limit movement and ensure the establishment's ability to meet regulatory requirements.

On September 10, 2020, you submitted your fourth response with written corrective actions and preventive measures in an effort to meet the regulatory requirements of the Humane Methods of Slaughter Act. The Jackson District Office analyzed your response and advised you that the proffered corrective actions and preventive measures were not adequate. Specifically, you were asked to provide clarification and additional information regarding your standard procedures for the horned cattle or cattle that cannot be restrained in the head gate and to revise a section of your Systematic Approach to Humane Handling Plan which states the term "disable" and instead use the terms "unconsciousness" or "insensible".

On September 11, 2020, you submitted your fifth response with written corrective actions and preventive measures to meet the regulatory requirements of the Humane Methods of Slaughter Act. The Jackson District Office analyzed your response and determined that the response adequately addressed the identified issues. On September 11, 2020, at 1:00 PM CDT, the Jackson District Office held a conference call to verbally notify you that the corrective actions and preventive measures you proffered were adequate to meet the regulatory requirements to place Moonlight Meat Processing, Est. M33845, under a "Notice of Deferral." This letter formally informs you of this action. Specifically, you stated that the root cause of the stun failure was that your employee responsible for the animal stunning felt agitated and rushed which caused the animal to be agitated in the kill chute which made proper aim more difficult; you

## **NOTICE OF DEFERRAL**

Moonlight Meat Processing, Est. M33845

Ms. Anne Bays, Owner

September 11, 2020

Page 3 of 5

stated that you have added a dry box on your kill floor to store ammunition; you stated that all ammunition as well as the stunning rifle will be stored in a locked gun cabinet in the front of your establishment; you stated that only ammunition for a particular day's stuns will be removed from the gun cabinet and will be stored in the dry box on your kill floor; you stated that any unused ammunition will be returned to the gun cabinet along with the stunning rifle at the end of each day; you stated that for the next 30 days either you or your plant manager will observe all stuns to be able to assess the conditions around the kill chute; you stated that after the 30 days are up, your establishment will continue to observe three stuns per month to monitor the stunning process indefinitely; you stated that you are requiring one of your kill floor employees to clean and inspect all stunning equipment on a monthly basis; you stated that your establishment will make a monthly review of your handling facilities and procedures using the Humane Handling Checklist that you provided; you stated that you will address any issues that need attention at that time and record your actions on the back of the Humane Handling Checklist form and you stated that these records will be available for FSIS review at any time; you stated that your "kill chute" includes a head gate which will be used to hold the heads of cattle so that the shooter can accurately direct the shot to produce immediate unconsciousness; you stated if a cow or any bovine cannot go in the head gate, it will be diverted to custom slaughter; you stated that your employees who work on the slaughter floor have been trained on all parts of 9 CFR Section 313, as well as appropriate species specific shot placement; you stated that all animals will be stunned using a single gunshot with a caliber that is appropriate to the age and species of the animal and that all stunners will however be ready to administer a second "safety" shot immediately if needed; you stated that your employees will report any instances that requires multiple shots to the plant owner, including factors that cause the failure of the first shot to render insensible; you provided landmark charts which shows the species specific shot placement which you stated will be hung near the kill chute; you provided your revised Moonlight Meat Processing Systematic Approach to Humane Handling Plan; you provided your Humane Handling Checklist form which you stated is to be filled out once a month; you provided your Stunning Observation Record which you stated is to be performed on all kills for 30 days initially and then 3 federal kills per month indefinitely; you provided your Record of Humane Handling Training log which you stated is to be performed at least once a month indefinitely; and you provided your Record of Stunning Equipment Cleaning and Maintenance log which you stated is to be performed once a month indefinitely.

A copy of FSIS' Verification Plan will be provided to assist you in understanding the nature and importance of the Agency's verification activities. This Verification Plan is designed to verify that your establishment fully implements the revisions to its humane handling of animals and other corrective actions and preventive measures stated in your August 25, August 27, September 7, 2020, September 10, 2020 and September 11, 2020, responses, and that these revisions and corrective actions are effective in ensuring future regulatory compliance. The verification plan identifies your corrective actions, the regulatory requirements, and the PHIS Tasks under which FSIS officials will verify the implementation and effectiveness of your proffered action plan.

Please be advised that as a federally inspected establishment, you are expected to comply with the Federal Meat Inspection Act and the Humane Methods of Slaughter Act, and all other requirements concerning the humane slaughter of livestock. Failure to comply with these requirements or to effectively implement the measures proffered in your responses dated on August 25, August 27, September 7, 2020, September 10, 2020 and September 11, 2020, could lead to the withholding or suspension of inspection or other appropriate action.

**NOTICE OF DEFERRAL**

Moonlight Meat Processing, Est. M33845

Ms. Anne Bays, Owner

September 11, 2020

Page 4 of 5

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

Sincerely,

**DONALD  
FICKEY**

Digitally signed by  
DONALD FICKEY  
Date: 2020.09.11 14:07:51  
-05'00'

/FOR

Dr. Larry Davis  
District Manager  
Jackson District Office