



Food Safety and
Inspection Service

Alameda District
800 Buchanan St.
Albany, CA 94710

Phone:(510)769-5712

Fax: (844) 622-0081

July 16, 2020

Mr. Lawrence Mori, Owner
York Meats
REQUESTED
Establishment M6482
3600 York Lane
Fallon, NV 89406

**CERTIFIED RETURN
RECEIPT**

E-mail: fmdrakehunter@yahoo.com

NOTICE OF SUSPENSION

Dear Mr. Mori:

This letter confirms the verbal notification that was provided to your establishment on July 15, 2020, by the Food Safety and Inspection Service (FSIS), Alameda District, of the withholding of the marks of inspection and the suspension of the assignment of inspectors for the Slaughter, operations at your establishment in accordance with 21 U.S.C. 603 and Title 9 Code of Federal Regulations (CFR) Part 500.3 (b). This action is 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 noncompliance with 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 handled in connection with slaughter at such establishment by any method not in accordance with sections 1901 to 1906 of U.S.C. 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 Title 9 CFR Part 313, and the Humane Methods of Slaughter Act of 1978. FSIS has also developed Rules of Practice regarding

enforcement prescribed in Title 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 15, 2020, at approximately 1230 hours, the FSIS Consumer Safety Inspector (CSI) observed an establishment employee, (b) (6), attempt to stun a boar market hog with a .17 caliber rifle. The CSI was standing on the top step leading to the restrainer platform, had full view of the restrainer box and was able to observe all the hog's movements during stunning.

The establishment employee leaned over the restrainer box railing and fired the rifle at the center of the boar's forehead. However, this attempt did not produce immediate unconsciousness, as the hog was moving freely in the restrainer, walking in a circle, and squealing loudly. The establishment employee then reached for the already-loaded backup .45 caliber rifle and fired a second stun to the forehead. The hog continued to freely move and walk in circles in the restrainer, squealing louder. (b) (6) applied a third stun to the hog, but the hog remained standing and vocalizing, moving slower and vocalizing softer. The employee then applied the fourth stun, and the hog fell on its side, stopped vocalizing, and was rendered unconscious.

The CSI notified Mr. Lawrence Mori, Jr., Establishment Owner, of these findings of noncompliance with the humane methods of slaughtering and handling. The CSI took regulatory action and applied U.S. Rejected Tag # B25414060 to the knock box to prevent slaughter operations from continuing. The CSI examined the hog's skull after skinning and found at least two holes, one large hole in the center of the skull between the eye, approximately 3/4" in diameter, with two separate margins for two different entry points for the multiple shots. A second, smaller hole was located at the upper cranium, off the right of center.

This is an egregious act of inhumane handling of animals in connection with slaughter, as your employee was unable to render the hog immediately unconscious after numerous attempts. 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 constitutes 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), the Humane Methods of Slaughter Act, and the regulations promulgated thereunder.

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 15, 2020.

Previously, FSIS issued your establishment a Notice of Suspension on November 20, 2019, for similar findings of your firm’s failure to maintain or implement required controls to prevent the inhumane handling and slaughtering of livestock at your establishment.

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:

U.S. Department of Agriculture
Food Safety and Inspection Service
Attention: Paul Wolseley/Executive Associate for Regulatory Operations
1400 Independence Avenue, SW
Room 344-E, Whitten Building
Washington, DC 20250

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

Scott C. Safian, Director
Enforcement and Litigation Division
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
United States Department of Agriculture
Stop Code 3753, PP3, Cubicle 9-235A
1400 Independence Avenue, SW
Washington, DC 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/ Virginia Felix, DVM,
DDM (for)*

Yudhbir Sharma, DVM
District Manager

cc:

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

(b) (6)

A large black rectangular redaction box covers the names and titles of several individuals in the distribution list.

P. Wolseley, EARO
S. Baucher, IEA, RD
USDA IIC, Est. M6482
FO/QR