



January 29, 2020

ABF Packing Inc.
Establishment 19478
8758 US HWY 377
Dublin, TX 76446

HAND DELIVERED
CERTIFIED - RETURN
RECEIPT REQUESTED
7014 1820 0001 5965 1134

Attention: Mr. Jason Byer, Owner

NOTICE OF REINSTATEMENT OF SUSPENSION

This letter confirms the verbal notification provided to you on January 29, 2020, by Dr. Gary Davis, Deputy District Manager, that the Food Safety Inspection Service (FSIS) is reinstating the suspension of the assignment of inspectors related to the Slaughter Hazard Analysis and Critical Control Point (HACCP) plan at Establishment 19478, ABF Packing Inc., Dublin, Texas.

Findings/Basis for Action

The following information is provided to support this Notice of Reinstatement of Suspension (NROS) for your facility:

On January 29, 2020, at approximately 3:30 p.m., (b) (6) (b) (6) observed an establishment employee attempt to shoot a large and mature black angus bull with the 410-shotgun in the triangle suspect pen. The bull was loose in the pen and could move its head up and down, but he could not turn around or back up due to his size and the constraints of the pen. The establishment employee fired the gun between the bars of the gate. The bullet hit the bull. It remained standing but was not vocalizing. A second establishment employee had a captive bolt gun loaded and ready. A second stun was applied using the handheld captive bolt gun but the animal remained standing. A second handheld captive bolt gun was retrieved. An employee attempted to stun the animal behind the poll, but the stun was ineffective, and the animal remained standing. The employee reloaded the 410 shotgun, and a second shot, the fourth stun attempt, was applied. The animal remained standing, and was agitated. A different establishment employee took the shotgun, reloaded it, and applied a third shot, the fifth stun attempt, which effectively rendered the bull unconscious. Management was notified, a regulatory control action was taken, and a US Rejected Tag # B38158458 was placed on the knock box of the establishment.

This egregious act does not meet the regulatory requirements of the Code of Federal Regulations (CFR) Title 9, Part 313.16(a)(1) & (3), which states, *(1) 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,*

Food Safety and Inspection Service
Office of Field Operations
Dallas District Office
1100 Commerce Street, Room 516
Dallas, TX 75242
Voice 214-767-9116 Fax 844-622-0080
An Equal Opportunity Provider and Employer

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... (3) 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.

Further, the actions taken clearly showed that your establishment failed to handle and/or slaughter animals humanely, as required in the Humane Methods of Slaughter Act of 1978, Title 7, Section 1902, which states in part, *all animals are rendered insensible to pain by a single blow or gunshot...*

This Suspension action, without prior notification, is taken in accordance with the Rules of Practice, 9 CFR 500.3(b) which states, *FSIS also may impose a suspension without providing the establishment prior notification because the establishment is handling or slaughtering animals inhumanely.*

Currently, your slaughter operation is operating under the terms of a Notice of Suspension Held In Abeyance as a result of a similar egregious inhumane handling incident January 23, 2020. This NROS is being issued to you for the failure of your establishment to stun the animal effectively, which indicates that you failed to follow or adequately implement your systematic approach, and the corrective and preventive measures outlined on your response to the recent Notice of Suspension.

The suspension of the assignment of inspectors will remain in effect until such time as you provide adequate written assurance to this office of corrective actions and preventive measures to assure that the handling and/or slaughter of animals will be done humanely, and in accordance with the Federal Meat Inspection Act, and the regulations promulgated therein. You may submit your corrective and preventive actions to my attention at the Dallas District Office.

You are reminded that as an operator of a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent inhumane slaughter. Please be advised that your failure to respond adequately to these rules may result in our initiating action to withdraw inspection from your establishment.

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

Mr. Paul Wolseley
Acting Executive Associate of Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service, USDA
Room 3159 South Building
Washington, DC 20250
Office: (202) 708-9506
Cell: (630) 544-9805
paul.wolseley@usda.gov

In addition, you may request a hearing regarding this determination pursuant to FSIS's Rules of Practice (9 CFR Part 500). The Rules of Practice were published in the Federal Register,

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Volume 64, Number 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:

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 8-235 A
1400 Independence Avenue SW
Washington, DC 20250
Telephone: 202-418-8872
Fax Number: 202-245-5097

If you have any questions, please contact (b) (6)

(b) (6)

Sincerely,



Jennifer Beasley-McKean, DVM
District Manager

cc:

(b) (6)

Inspector in Charge, Establishment 19478, Dublin, TX

ABF Packing Inc.
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I received a copy of this Notice of Reinstatement of Suspension dated January 30, 2020, on:

Date

Responsible Plant Official

Signature of FSIS Witness