



Food Safety and
Inspection Service

September 28, 2021

Office of Field Operations

**ORIGINAL SENT VIA UPS NEXT DAY AIR
DELIVERY CONFIRMATION REQUESTED**

Philadelphia District
Mellon Independence
Center,
701 Market Street Suite
4100-A
Philadelphia, PA 19106

Mr. John Young, President
Abattoir Associates Inc. (Est 44910)
119 Cooper Street
Spring Mills, PA 16875

REINSTATEMENT OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Young,

This letter confirms verbal notification to Mr. John “Jay” Young, President, at approximately 1020 hours on September 28, 2021, by Mr. Joseph Schein, Deputy District Manager (DDM), Philadelphia District Office, of our decision to place the Reinstatement of Suspension (ROS), issued to you on September 22, 2021, into abeyance. FSIS is providing you with this Reinstatement of Suspension Held in Abeyance (ROSHIA) based on your proposed corrective actions and preventive measures. FSIS determined that the suspension action will be placed in abeyance and the assignment of Inspection Program Personnel (IPP) will resume, pending FSIS verification of the adequacy of your humane handling program in achieving regulatory compliance. FSIS will be verifying your actions to ensure that you effectively implement the proffered corrective actions and preventive measures. This letter provides you with the chronology of events and conclusions, including your responsibilities as a federally inspected establishment.

FSIS issued a Reinstatement of Suspension (ROS) to withhold the marks of inspection and suspend the assignment of inspectors for your slaughter operation on September 22, 2021. This action was initiated in accordance with Title 9 of the Code of Federal Regulation (9 CFR) Part 500.3(b), after FSIS determined that your establishment failed to handle animals humanely, in violation of the Federal Meat Inspection Act (FMIA) [21 U.S.C 603] and 9 CFR 313.16 and 313.15.

In response to the ROS, you submitted video and written descriptions of your evaluation of the events of September 22, 2021. FSIS requested clarifications of your responses on the morning of September 23, 2021 and you submitted further adjusted corrective actions and preventive measures as well as additional root cause by video, phone call, and email through the day and evening. FSIS requested further clarifications of your added root causes the morning of September 24, 2021 and you submitted written responses of your planned corrective action plan the afternoon of September 24, 2021. We requested clarification that afternoon, and you sent a response which we received the morning of September 27, 2021.

We requested clarification once more, and you sent your response the afternoon of September 27, 2021. You provided documentation that establishment employee training was completed. Training attestation documentation was provided to FSIS on the morning of September 28, 2021.

Your assessment of the root causes include:

- Lack of head restraint for cattle
- Increased agitation of bovine in question
- Safety issue due to unintentional first stunning attempt made

Your proffered Corrective and Preventive Measures are (but not limited to):

- All Employees stunning animals will be trained in restraint using the following sources:
 1. Recommended Animal Handling Guidelines and Audit Guide (Grandin)
 2. Proper Cattle Restraint for Stunning (Grandin)
 3. Head Restraint Equipment [tech note 3] (Humane Slaughter Association)
 4. Factors that impede animal movement at slaughter plants (Grandin)
 - Documentation of this restraint training including sources, list of names of employees trained, signatures of trainees, and dates of training will be submitted and kept available to FSIS. The training will be updated if new employees are hired or trained in stunning.
- All cattle will be stunned with additional head restraint as follows:
 - After cattle have entered the stunning box and put their heads through the existing head gate, you will place a rope halter on them per your documented procedure for additional head restraint.
 - Cattle with horns that cannot fit into the head restraint and that require stunning outside the stunning box will be restrained by being placed in a small pen and using a lasso over the horns that is fixed to the pen bars to restrain the head, per your described procedure.
- All employees stunning animals will be trained in minimizing agitation of animals using the following sources:
 1. Humane Handling of Livestock (Humane Slaughter Association)
 2. Recommended Animal Handling Guidelines and Audit Guide (Grandin)
 - Documentation of this training to minimize agitation including sources, list of names of employees trained, signatures of trainees, and dates of training will be submitted and kept available to FSIS. The training will be updated if new employees are hired or trained in stunning.
- All employees stunning animals will be trained in firearm stunning safety using the following sources:
 1. Humane Killing of Livestock using Firearms (Humane Slaughter Association)
 - Documentation of this restraint training including sources, list of names of employees trained, signatures of trainees, and dates of training will be submitted and kept available to FSIS. The training will be updated if new employees are hired or trained in stunning.

FSIS inspection personnel have designed a Verification Plan (VP) and will use it to monitor and verify that you have effectively implemented your proposed actions. The VP identifies your corrective actions from your responses submitted to FSIS, the relevant regulatory requirements, the tasks FSIS will use to conduct verification activities, and the time frames that you identified. While these verification activities are targeted to your plant's animal handling, FSIS personnel will continue to ensure all humane handling/stunning regulatory requirements of 9 CFR Part 313 are in regulatory compliance. A copy of the VP is attached as a reference to assist you in understanding Agency verification activities.

Carried forward to this Verification Plan for the ROSHIA are the other terms of the first two (2) VPs.

As an operator of a federally inspected facility, we expect you to comply with FSIS regulations and to take appropriate correctives action when either the establishment or FSIS identifies regulatory noncompliance. FSIS has the responsibility to initiate regulatory control or other appropriate action if your establishment fails either to operate in accordance with the regulations or to operate under sanitary conditions. A final decision relative to this enforcement action will be determined based on your establishment's ability to execute and comply with your proffered corrective actions and all applicable regulatory requirements.

Your failure to meet the conditions of this abeyance may result in additional regulatory and/or administrative actions in accordance with the Rules of Practice 9 CFR Part 500.

If you have any questions regarding this matter, please feel free to contact Mr. Joseph Schein, Deputy District Manager (DDM) at joseph.schein@usda.gov or by phone at (215) 430-6219.

Sincerely,

JOSEPH SCHEIN

Digitally signed by JOSEPH
SCHEIN
Date: 2021.09.28 11:08:09 -04'00'

Dr. Lynda Lilyestrom
District Manager
Philadelphia District Office

**Abattoir Associates Inc (Est. 44910) Verification Plan
September 28, 2021**

ESTABLISHMENT ACTION PLAN	REGULATION	HUMANE HANDLING VERIFICATION CATEGORY	FREQUENCY
<p>1. All relevant employees will be trained in the effective usage of the appropriate firearm (rifle, pistol, captive bolt) and ammunition. <u>Training material: Temple Grandin's "Recommended Animal Handling Guideline's & Audit Guide" 2nd edition, 2019.</u> Those employees are: (b) (6) 5) Jay (John) Young (b) (6)</p> <p>*This documentation will be available for IPP to review. 1a. In addition, employees on this list or new employees trained in the material can proceed to hands-on training at establishment owner's discretion</p>	<p align="center">313.15 313.16</p>	<p>Category VIII – Stunning Effectiveness</p>	<p>1. Upon implementation, August 11, 2021, and once prior to resuming slaughter and as new employees are trained in stunning.</p> <p>1a. Upon implementation September 2, 2021 and each occurrence.</p>
<p>2. Training will be documented with names, signatures, and dates, the training info itself or a link to it, and any names of who performed the training submitted, and kept available for FSIS review.</p> <p>*This documentation will be available for IPP to review.</p>	<p align="center">313.15 313.16</p>	<p>Category VIII – Stunning Effectiveness</p>	<p>2. Upon implementation, August 11, 2021, and once prior to resuming slaughter and as new employees are trained in stunning.</p>
<p>3. Documentation will be submitted of the new Kill Log with column added for noting effective and ineffective stuns as well as which stunning implement was used for each animal slaughtered.</p>	<p align="center">313.15 313.16</p>	<p>Category VIII – Stunning Effectiveness</p>	<p>3. Upon implementation, August 11, 2021, and once prior to resuming</p>
<p>4. Removal of the .22 caliber handgun with CCI-Mini-MAG .22LR, 40 grain 1235 FPS ammunition as primary stunning implement for swine.</p>	<p align="center">313.16</p>	<p>Category VIII – Stunning Effectiveness</p>	<p>4. Upon implementation, August 11, 2021, and once upon resumption of slaughtering swine.</p>

5.Captive Bolt (Cash Special HD.25) will be used as the primary stunning implement for hogs.	313.15	Category VIII – Stunning Effectiveness	5.Upon implementation, August 11, 2021, and each Slaughter day for hogs.
6.A .22 magnum caliber handgun with CCI MAXIMAG .22 WMR 40 grain, 1875 FPS, or equivalent manufacturer, ammunition will be used as the backup stunning implement for hogs to assure penetration.	313.16	Category VIII – Stunning Effectiveness	6.Upon implementation, August 11, 2021, and each slaughter day for hogs.
7.Sows will be stunned using at minimum a .38, with a .410 slug as backup.	313.16	Category VIII – Stunning Effectiveness	7.Upon implementation, August 11, 2021, and each Slaughter day for sow(s).
8.In the case of market hogs, the next more powerful options of a .22 magnum caliber handgun with CCI MAXIMAG .22 WMR 40 grain, 1875 FPS OR a .38 can be used at the stunning operator’s discretion.	313.16	Category VIII – Stunning Effectiveness	8.Upon implementation, September 2, 2021, and each slaughter day for market hogs
9.In the case of market hogs, the next more powerful backup will be immediately available in the stunning area in the cases of upgrades to more powerful primary stunning implements being chosen as listed above.	313.16	Category VIII – Stunning Effectiveness	9.Upon implementation, September 2, 2021, and each slaughter day for market hogs
10.If a failed first stunning attempt is due to aim, a second shot from the primary stunning implement can be utilized.	313.15 313.16	Category VIII – Stunning Effectiveness	10.Upon implementation, September 2, 2021, and each slaughter day for market hogs, sows, and boars
11.No captive bolt stunning attempts behind the ear will be utilized for swine	313.15	Category VIII – Stunning Effectiveness	11.Upon implementation, September 2, 2021, and each slaughter day for market hogs, sows, and boars
12.A removable barrier will be added in the stunning box which narrows the space, reducing movement of the hogs and sows/boars, allowing the stunning operator to not physically participate in the animal restraint. This will be used for market hogs and sows/boars that will fit. 12 a. Should an animal be too large for the reduced size, the full stunning box will be used for restraint.	313.15 313.16	Category VIII – Stunning Effectiveness	12/12a.Upon implementation September 2, 2021, and each slaughter day after for market hogs, sows, and boars.

<p>13. For all stunning operators: <u>Training in EST 44910 restraint protocol and in general restraint using the Temple Grandin and HSA sources listed in Training Document.</u></p> <p><u>*Documentation of this training made available for FSIS review including name(s), date, signatures.</u></p>	313.15, 313.16	Category VIII – Stunning Effectiveness	13. Prior to resuming slaughter September 28, 2021 and kept up to date for all stunning employees (including new personnel) throughout the abeyance period.
<p>14. After cattle have entered the stunning box and put their heads through the existing head gate, a rope halter will be placed on them for additional head restraint.</p>	313.15 313.16	Category VIII – Stunning Effectiveness	14. Upon implementation September 28, 2021, and each slaughter day after for cattle.
<p>15. Cattle with horns that cannot fit into the head restraint and require stunning in the pen will be restrained using a lasso over the horns that is fixed to the pen bars.</p>	313.15 313.16	Category VIII – Stunning Effectiveness	15. Upon implementation September 28, 2021, and each slaughter day after for cattle.
<p>16. For all stunning operators: <u>Training in minimizing agitation per the Temple Grandin and HSA sources listed in Training Document.</u></p> <p><u>*Documentation of this training made available for FSIS review including Name(s), date, signatures.</u></p>	313.15 313.16	Category VIII – Stunning Effectiveness	16. Prior to resuming slaughter September 28, 2021, and kept up to date for new stunning employees throughout the abeyance period
<p>17. For all stunning operators: <u>Training in stunning safety</u></p> <p><u>Documentation of this training made available for FSIS review including: Name(s), date, signatures.</u></p>	313.15 313.16	Category VIII – Stunning Effectiveness	17. Prior to resuming slaughter September 28, 2021, and kept up to date for new stunning employees throughout the abeyance period

Inspection Program Personnel will perform humane handling verification every slaughter operation day to verify the adequacy and effectiveness of the establishment’s compliance with the humane handling regulatory requirements of 9 CFR Part 313. Inspection Program Personnel will ensure all humane handling/stunning regulatory requirements comply daily on each slaughter day, regardless of the stunning method. Inspection Program Personnel will review all monitoring, verification, and corrective action records to verify procedures are being conducted as prescribed and at the specified frequency

CC:

FSIS - FO/Quarterly Enforcement Report

Mr. Mark Crowe, Director, CID, FSIS, OIEA, Washington, DC

Ms. Geraldine French, EARO, FSIS, OFO, Washington, DC

Mr. Joseph Priore, RD, FSIS, OIEA, Northeast Region

Dr. Lynda Lilyestrom, DM, FSIS, OFO, Philadelphia District Office

Ms. Valerie Clay, DDM, FSIS, OFO, Philadelphia District Office

Mr. Michael Osifat, DDM, FSIS, OFO, Philadelphia District Office

Mr. Joseph Schein, DDM, FSIS, OFO, Philadelphia District Office

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Official Files Establishment Folder – Est. 44910

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