



United States Department of Agriculture

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Food Safety and  
Inspection Service

Raleigh District Office

6020 Six Forks Road  
Raleigh, NC. 27609  
Voice: 919-844-8400  
Fax: 1-844-839-6359

October 25, 2021

**EMAIL**

Mr. Jeff Haass, Sr., President/GM  
Haass' Family Butcher Shop, Inc., Est. M8892  
3997 Hazletville Road  
Dover, DE 19904

**NOTICE OF REINSTATEMENT OF SUSPENSION**

Dear Mr. Haass,

This letter confirms the verbal notification given on October 25, 2021, at approximately 1058 hours, by the Food Safety and Inspection Service (FSIS) Inspection Program Personnel (IPP) of the reinstatement of suspension of the assignment of inspectors for slaughter operations at Haass' Family Butcher Shop, Inc., Est. M8892, herein after referred to as "your establishment." This action was initiated in accordance with Title 9 of the Code of Federal Regulations (9 CFR) 500.3, after FSIS determined that your establishment failed to slaughter and handle animals humanely.

**Background/Authority**

The Federal Meat Inspection Act (FMIA) (Title 21 of the United States Code {21 U.S.C.} 603 et seq.) provides that for the purpose of preventing the inhumane slaughtering of livestock, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the methods 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 this Act. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause slaughtering to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishments by any method not in accordance with sections 1901 to 1906 of Title 7 until the establishment furnishes assurances, satisfactory to the Secretary, that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such a method.

The Humane Methods of Slaughter Act of 1978 (7 U.S.C. 1901 et seq.) provides that Congress finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers,

processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce. 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.

### **Findings/Basis for Suspension**

At approximately 1021 hours on 10/25/2021, IPP observed the following noncompliance: while attempting to stun a heifer, a plant employee failed to render a heifer unconscious with a single stunning attempt. The plant employee aimed and fired a hand-held captive bolt gun in the forehead region of the heifer's head. The heifer fell backwards, coming out of the head restraint, with the front left leg falling and getting stuck on top of the head restraint. IPP observed the heifer making rapid eye movements, blinking, and making attempts to stand back up. The plant employee made an immediate second attempt with the hand-held captive bolt gun, which again failed to render the heifer unconscious; the heifer continued to try to stand. A second plant employee left the kill floor to retrieve the back-up stunning device, a .410 shotgun, loaded it, and handed it to the other plant employee who then shot the gun rendering the heifer unconscious with the third stunning attempt. On post-mortem examination, IPP observed three holes on the forehead of the skull. IPP applied US Retain/Reject Tag # B20465044 to the knock box to prevent further slaughter of livestock. The IPP notified establishment management of the reinstatement of suspension of the assignment of inspection at approximately 1058 hours.

This incident represents a violation of 9 CFR 313.15 (a)(1) which states, in part, that the captive bolt stunners should be applied to livestock to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut, and that the animals should be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort. This incident is considered egregious because there were multiple attempts to stun the animal with a failure to apply an immediate corrective action. The establishment is currently under abeyance for a previous Humane Handling stunning incident; therefore, the suspension is being reinstated.

The reinstated suspension action will remain in effect until you provide the Raleigh District Office with adequate written assurances, including corrective actions and further planned preventive measures, to assure that livestock at your establishment are slaughtered humanely. In order to resume inspected operations, you must submit corrective actions to my attention at the District Office. These corrective actions should include at a minimum the following:

1. Identify the assessment process used to determine the nature and cause of the noncompliances.
2. Identify what the assessment revealed as the likely cause of the system failure.
3. Describe the specific actions that will be taken to eliminate the cause of the failures.
4. Describe the future monitoring activities you will use to ensure that changes are implemented and are effective.

You are reminded that, as an operator of a federally inspected plant, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent inhumane handling of

livestock at your establishment. Please be advised that your failure to respond adequately to these issues may result in our initiating action to withdraw inspection from your establishment. Please also be advised that you have the right to appeal this matter.

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

Sherri Johnson  
Executive Associate for Regulatory Operations  
Office of Field Operations  
Food Safety and Inspection Service  
United States Department of Agriculture  
1400 Independence Avenue, SW  
Room 3161, South Building  
Washington, DC 20250  
Phone: (202) 205-0001

In addition, you may also request a hearing regarding this determination pursuant to FSIS' Rules of Practice (9 CFR 500.). The rules of Practice were published in the Federal Register, Vol. 64, No. 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:

Scott C. Safian, Branch Chief  
Enforcement Operations Branch  
Office of Investigation, Enforcement and Audit  
Food Safety and Inspection Service  
Stop Code 3753, PP3, Cubicle 9-235-A  
1400 Independence Avenue, SW  
Washington, D.C. 20250  
Voice: (202) 418-8872  
Fax: (202) 245-5097

It is our hope that this matter can be resolved quickly. If you have any questions, you may call me at 919-208-2945 or contact me via email at [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov). You may also contact Dr. Ariel Thompson, Deputy District Manager, at 919-208-2946. We urge your cooperation and voluntary compliance.

Sincerely,

**ARIAL**

**THOMPSON**

Digitally signed by ARIAL  
THOMPSON

Date: 2021.10.25  
13:23:27 -04'00'

Todd Furey  
District Manager  
Raleigh, NC

cc:

P. Bronstein, AA/FO

H. Sidrak, DAA/FO

S. Johnson, EARO/FO

P. Wolseley, EARO/FO

S. Safian, ELD/OIEA

L. Hortert, RD/CID/OIEA

R. Murphy, DDM/RDO/FO

M. Roling, DDM/RDO/FO

A. Thompson, DDM/RDO/FO



Quarterly Enforcement Report  
Establishment File (Est. M8892)