



Food Safety and  
Inspection Service

December 10, 2021

Office of Field Operations

**ORIGINAL VIA FED EX 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**

Dear Mr. Young,

This letter confirms verbal notification by Mr. Joseph Schein, Deputy District Manager (DDM) to Mr. John Young, President, at approximately 1420 hours on December 10, 2021, of the Food Safety and Inspection Service's (FSIS) decision to reinstate the suspension and suspend the assignment of Inspection Program Personnel (IPP) at your establishment, **Abattoir Associates Inc. (Est 44910)** located in Spring Mills, PA. This action includes all Slaughter Hazard Analysis and Critical Control Point (HACCP) processes employed at your firm. FSIS is taking this action in accordance with the Rules of Practice, Title 9 of the Code of Federal Regulations (9 CFR) Part 500.3(b).

**Findings/Basis for Action**

On December 10, 2021, at approximately 1145 hours, the following noncompliance was observed. The Establishment moved one market hog into the stun box for stunning with a Cash Special .25 captive bolt. The market hog was lying in the stun box with the removable barrier which narrows the space, reducing movement of the hog, allowing the stunning operator to not physically participate in the animal restraint and an additional board placed in front of the hog to further reduce movement. As the Stunner made the first stunning attempt with the Cash Special .25 captive bolt the hog grunted and remained lying on the floor of the stunning box. The inspector was able to see that the hog was alert, with rhythmic breathing and the eyes tracking movement of people around the stunning box. The stunning operator then announced that the .38 caliber handgun was going to be used as the immediate backup. All employees exited the slaughter floor. From a secure location the inspector heard three shots before being given the-all clear from the stunner. The stunner took immediate corrective action by delivering additional stuns, to render the market hog insensible. After examination of the skull, the in-plant personnel team (IPP) found that the three .38 caliber projectiles were embedded in the skull plate but did not penetrate through the entire skull. The skull plate was measured as more than an inch thick. IPP took immediate regulatory action and placed rejection tag B40505451 on the stunning box

Your establishment is currently operating under a Reinstatement of Suspension Held in Abeyance (ROSHIA) after a Reinstatement of Suspension (ROS) was initiated September 22, 2021 for the ineffective stunning attempt of a bovine. The ROSHIA was initiated on September 28, 2021 after receipt of submitted additional corrective actions and the updates to the verification plan (VP) went into effect. The VP is utilized by IPP to verify your corrective actions are effective in maintaining compliance.

Previous suspensions for ineffective stunning and failure to follow the corrective actions in your verification plan regarding stunning protocols occurred August 9, 2021 with NOSHIA taking effect August 11, 2021; and on August 31, 2021 with ROSHIA taking effect September 2, 2021).

This is the fourth suspension action that has been issued as a result of these ineffective stunning incidents and management of corrective actions.

A Letter of Warning was issued to Establishment 44910 on October 6, 2021 from the Enforcement Operations Staff, Office of Investigation, Enforcement, and Audit regarding these humane handling and ineffective stunning incidents.

The ineffective stun which occurred December 10, 2021 is the seventh ineffective stunning incident since the beginning of August 2021

For captive bolt stunning, Regulation 9 CFR Part 313.15(a)(1) states that “The captive bolt stunner shall be applied to the livestock in accordance with this section so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.”

For firearm stunning, 9 CFR Part 313.16(a)(1) requires that 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.

## **Background/Authority**

The Federal Meat Inspection Act (FMIA) [21 U.S.C. 603 sec. 3. (b)] states, “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 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 this Act. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause inspection 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 establishment 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.” In addition, under prohibited acts, 21 U.S.C. 610 sec 10 (b), “No person, firm or corporation shall, with the respect to any cattle, sheep, swine, goats, horses, mules, and other equines, or any carcasses, parts of carcasses, meat or meat food products of any such animals slaughter or handle in connection with slaughter any such animals in any manner not in accordance with sections 1901 to 1906 of Title 7.”

Under the authorities of the FMIA, FSIS has prescribed rules and regulations required for establishments producing meat products, including the requirements pertaining to Sanitation Performance Standards (SPS), Sanitation Standard Operating Procedures (SSOP), Hazard Analysis and Critical Control Point (HACCP) 9 CFR Parts 416, 417, and other matters. FSIS has also developed Rules of Practice regarding the enforcement action that it may take and includes procedures for taking a withholding action and/or suspension, with or without prior notification, and for filing a complaint to withdraw a Grant of Inspection.

## **7 U. S. C. 1901**

Humane Methods of Slaughtering Act 7 USC 1901 states, “The 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.”

## **7 U. S. C. 1902**

The Humane Methods of Slaughtering Act 7 USC 1902 states, “No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane.”

When an egregious situation exists, FSIS can refuse to render inspection and indefinitely withdraw inspection from an establishment provided the establishment is afforded the right to an administrative hearing.

Under the authority of the above Acts, FSIS has prescribed rules and regulations required for establishments producing meat and poultry products, including the requirements pertaining to Humane Slaughter of Livestock, as required by 9 CFR 313, and other matters.

**Please provide this office with a written response concerning this ROS by addressing the following:**

- Evaluate and identify the nature and cause of the incident.
- Explain the specific reason(s) why the event occurred.
- Describe the specific actions taken to eliminate the cause of the incident.
- Describe specific planned actions that you will take to prevent future reoccurrences.

Provide associated records that include monitoring and verification activities your establishment will use to ensure that changes are effectively implemented. We will determine further action, if any, based on your response.

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 the inhumane treatment of animals at your establishment. Please be advised you have the right to appeal this matter. If you wish to appeal, you should contact:

Executive Association for Regulatory Operations  
USDA, FSIS, Field Operations  
1400 Independence Ave. S. W.  
Room 3161, South Building  
Washington, DC 20250-3700  
Telephone: 202-215-0001

In addition, you may also request a hearing regarding this determination pursuant to FSIS Rules of Practice (9 CFR Part 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 Staff (EOS)  
Office of Investigation, Enforcement and Audit (OIEA)  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 3753, Patriot Plaza 3, Cubicle 9-253-A  
1400 Independence Avenue, SW  
Washington, DC 20250  
Telephone: (202) 418-8921  
Facsimile: (202) 245-5097

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](mailto:joseph.schein@usda.gov) or by phone at (215) 430-6219.

Sincerely,

**JOSEPH SCHEIN** Digitally signed by JOSEPH SCHEIN  
Date: 2021.12.10 14:45:11 -05'00'

Mr. Michael Osifat  
Acting District Manager  
Philadelphia District Office

CC:

FSIS - FO/Quarterly Enforcement Report

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

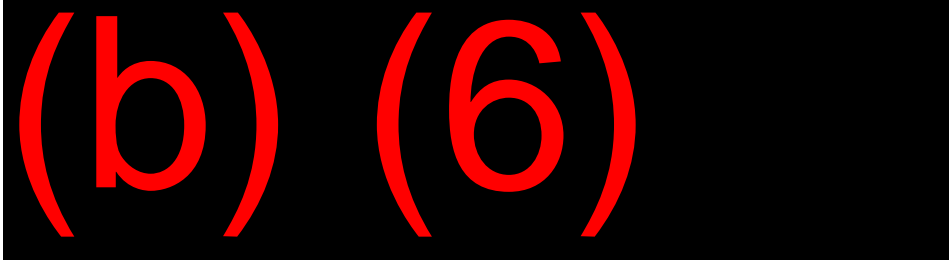
Ms. Geraldine French, EARO, FSIS, OFO, Washington, DC

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

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



Official Files Establishment Folder – Est. 44910

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