



United States Department of Agriculture

Food Safety and
Inspection Service

Raleigh District Office

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

January 28, 2022

EMAIL

Mr. Seth Church, Owner
Wilkes Abattoir, LLC, Est. M19511
347 Thomas Street
North Wilkesboro, NC 28659

NOTICE OF DEFERRAL

Dear Mr. Church,

On January 26, 2022, the Food Safety and Inspection Service (FSIS) issued a Notice of Intended Enforcement (NOIE) to your establishment, Wilkes Abattoir, LLC, Est. M19511. The NOIE provided your firm with official notification of our intent to suspend the assignment of inspectors for the slaughter process at your establishment located at 347 Thomas Street, North Wilkesboro, NC, in accordance with Title 9 of the Code of Federal Regulations (9 CFR), part 500.3(b). This action was based on the egregious humane handling incident in which there was a delay in rendering a large hog unconscious after an initial ineffective stun.

In the NOIE, FSIS requested the following information be provided within three working days from the date of your establishment's receipt of the NOIE letter.

1. Identify the specific reason(s) why the event occurred.
2. Describe the specific actions that will be taken to eliminate the cause of the incident and prevent future recurrences.
3. Describe the future monitoring activities that your establishment will use to ensure that the actions are effective.

On January 26th, 2022, you submitted your initial response, and through continued communication, your additional responses on January 27th and 28th, 2022. After careful review of all your submitted responses, the Raleigh District Office (RDO) found that you adequately addressed FSIS's concerns.

This letter serves as written notification that FSIS is deferring the decision to suspend slaughter inspection at your facility. The deferral of this decision will remain in effect until your firm has demonstrated effective implementation of its proposed corrective and preventive measures, and that those measures have been verified by FSIS to ensure no repetition of noncompliance related to your facility's responsibilities for the Humane Methods of Slaughter Act and FSIS regulations.

FSIS is committed to monitoring establishment's operations to see that they are fully complying with regulatory requirements. Because of this commitment, enclosed is a copy of FSIS' Verification Plan which will be used by inspection personnel to verify your facility's regulatory compliance in conjunction with the conditions of this Notice of Deferral. This specific Verification Plan is designed to verify that your establishment fully implements corrective measures proffered and that these actions are effective in assuring ongoing regulatory compliance. It identifies specific elements of your corrective measures and the relevant regulatory requirements that Inspection Program Personnel will verify until FSIS determines that your establishment has effectively implemented its proposed corrective and preventive measures. Our verification includes the expectation that you meet any timeframe commitments you have identified in your proposed corrective actions. Should your firm fail to operate in accordance with its commitments, or to comply with the regulatory requirements, FSIS will take immediate and appropriate regulatory control actions.

You are reminded that as an operator of a federally inspected facility, you are expected to fully comply with all FSIS regulations and to take appropriate corrective actions to prevent the inhumane treatment and slaughter of livestock. The Humane Methods of Slaughter Act of 1978 (Section 1901, 1902, and 1906) states that the slaughtering and handling of livestock are to be carried out only by humane methods. 9 CFR 313 contains the FSIS regulatory requirements that were promulgated based on the HMSA and the Federal Meat Inspection Act (FMIA). It is fully expected that you comply with the HMSA, FMIA, and the regulatory requirements of Part 313, and that you carry out each of the corrective and preventive actions you proffered in response to the egregious incident. Failure to comply could result in the suspension at your facility or other appropriate administrative or legal actions. We urge your company's cooperation and voluntary compliance.

If you have any questions, you may call me at 919-208-2945 or contact me via email at todd.furey2@usda.gov. You may also contact Mr. Mark Roling, Deputy District Manager, at 919-208-2935.

Sincerely,

MARK ROLING Digitally signed by MARK ROLING
Date: 2022.01.31 06:17:56 -05'00'

Todd Furey
District Manager
Raleigh, NC

cc:

P. Bronstein, AA/FO

H. Sidrak, DAA/FO

S. Johnson, EARO/FO

P. Wolseley, EARO/FO

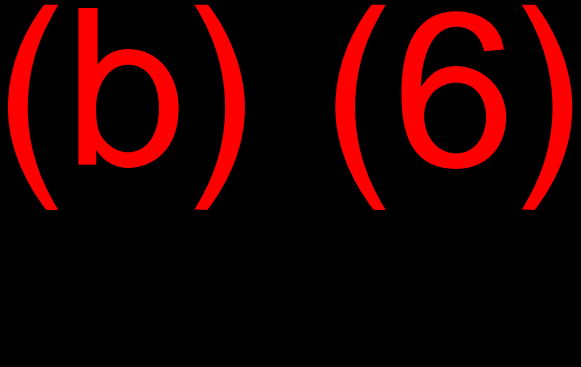
S. Safian, ELD/OIEA

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. M19511)

Establishment Name: Wilkes Abattoir
Establishment Number: M19511
Two-Week Period Ending: _____

Reason for Verification: On 01/26/2022, Establishment M19511 was issued an NOIE for failure to meet 9 CFR 313 of the regulations. On 01/28/2022, the establishment was issued a NOD after submitting acceptable corrective actions and preventive measures.

Information for Establishment Management: This verification plan was created from the corrective actions and preventive measures which were submitted to, and which were accepted by, the Raleigh District Office. As such, any changes to these corrective actions and preventive measures needs to be approved by the Raleigh District Office prior to implementation.

Instructions for completion of Humane Handling and Slaughter Verification form:

1. "Results of Verification" column should be recorded as "Acceptable", "Unacceptable", or "N/A"
2. "Inspection Actions" column should be used to document unacceptable findings or any additional corrective actions taken in compliance with 9 CFR 313.
3. The implementation and effectiveness of the establishment's corrective actions should be verified at the frequencies stated below. The in-plant inspection team (IPP) can request, through supervisory channels, a change in the frequencies when the determination is made that the establishment has effectively implemented the corrective actions.
4. Each day verification activities are performed, IPP should add a Directed Livestock Humane Handling Verification task in PHIS and use the justification "Verification Plan for Enforcement Actions" to justify the scheduling of the Directed task.
5. IPP will provide bi-weekly verification updates detailing the results of verification activities and submit to the SPHV/FLS for review.
6. The completed bi-weekly report will be submitted via email to (b) (6), and to (b) (6).

Items to Verify	Results of Verification	Inspection Actions
1. Verify that all employees authorized to use firearms have been retrained on firearm safety and shot placement. (Once, prior to the next use of the rifle for stunning, but completed no later than 02/28/2022)		

<p>2. Verify that the rifle is cleaned and maintained after each use and that this cleaning/maintenance is documented. (Daily for each slaughter day, when applicable)</p>		
<p>3. Verify that when a firearm is used for slaughter, the employee brings additional ammunition to the harvest floor. (Daily, for each slaughter day, when applicable)</p>		
<p>4. Verify that an employee monitors and documents the harvest date, time, species, and acceptability of each use of the firearm for stunning for the remainder of the verification process. (Daily, for each slaughter day, when applicable)</p>		
<p>5. Verify the effective use of the firearm for stunning. (Daily, for each slaughter day, when applicable)</p>		

Comments and Recommendations

Two-Week Period Ending:

IIC Comments/Recommendation:

SPHV Comments/Recommendation (if not the IIC):

FLS Comments/Recommendation: