



United States Department of Agriculture

Food Safety and  
Inspection Service

Office of Field  
Operations

Atlanta District Office  
100 Alabama St., SW.  
Suite 3R90  
Atlanta, GA. 30303  
Phone: 404-562-5900  
Fax: 404-562-5877  
Toll Free:  
800-282-7005

**Certified Mail**

March 16, 2022

Ms. Kathrine Jones, Co-Owner  
Ms. Jeanne Doyle, Co-Owner  
Palmetto Fresh Meats  
Est. M47715  
403 Jordanville Road  
Aynor, SC 29511

## **NOTICE OF REINSTATEMENT OF SUSPENSION**

Dear Ms. Jones and Ms. Doyle:

This serves as official notification by Food Safety and Inspection Service (FSIS) of the Notice of Reinstatement of Suspension at Palmetto Fresh Meats, Est. M47715, located at 403 Jordanville Road Aynor, SC 29511. This Reinstatement of Suspension is based on the failure of Palmetto Fresh Meats, Est. M47715, to humanely and effectively handle livestock according to 9 CFR Part 313. Effective March 15, 2022, FSIS is withholding the marks of inspection and suspending the assignment of slaughter inspection program personnel at Palmetto Fresh Meats, Est. M47715, located at 403 Jordanville Road, Aynor, SC 29511.

### **Background Authority**

The Federal Meat Inspection Act (FMIA) [21 U.S.C. 603] provides that it is essential that livestock be handled with minimum of excitement and discomfort during holding and slaughtering. Section 3 (b) of the FMIA states, *For the purpose of preventing the inhumane slaughtering of livestock, the Secretary shall cause to be made, by inspectors appointed for the 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 equine have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with sections 1901 to 1906 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.*

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Furthermore, the FMIA provides FSIS the authority to appoint inspectors to examine and inspect the method by which livestock are slaughtered and handled at slaughtering establishments. It also gives FSIS program personnel the right to examine and inspect carcasses and parts of carcasses that are further treated and prepared and the right to access and examine establishment records. When conditions exist concerning the slaughtering and handling of livestock, not by a method in accordance with sections 1901 to 1906 of Title 7, 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 Act, FSIS has prescribed rules and regulations required for establishments slaughtering and handling livestock according to 9 CFR 313 et seq. FSIS has also developed the Rules of Practice regarding administrative enforcement, 9 CFR Part 500. The Rules of Practice describe the types of enforcement actions that FSIS may take and include 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.

### **Basis for Action**

On February 17, 2022, FSIS issued a Notice of Suspension to your establishment because you failed to consistently handle and slaughter animals humanely in accordance with 9 CFR Part 313.

On February 28, 2022, FSIS issued a Notice of Suspension Held in Abeyance (NOSHA) and allowed operations to resume, based on corrective measures proposed and implemented by your establishment to assure the humane handling of livestock. Specifically, your corrective action and preventive measure stated that on February 23, 2022, you enclosed the knock box to help with animal excitement and updated your knocking process. You further stated that on 2/23/2022, two individuals were properly trained on successful knocking and employees were also retrained on animal handling, restraint, stunning, verification of stunning effectiveness, and sticking to bleed the stunned animal. You provided a copy of training material used to retrain employees on captive bolt stunning of livestock and provided records documenting the employee training. FSIS allowed operations to resume based on successful and effective implementation of these actions. The NOSHA also reminded you that failure to comply with the regulatory requirements or failure to effectively implement your proposed corrective actions and preventive measures could result in the immediate suspension of inspection at your establishment or other appropriate action.

On March 15, 2022, at approximately 1450 hours, Inspection Program Personnel (IPP) observed as establishment personnel began the process of moving a steer from holding pen number 1 to the stunning chute. IPP observed the steer enter the stun chute walking normally, but before the rear enclosure gate could be secured, the steer backed out of the chute back into the entrance hallway near the holding pen(s) and was overly excited. Approximately 30-40 minutes later IPP observed the steer limping into the stunning chute where it was restrained for stunning. The first stun, with a hand-held captive bolt (HHCB) was applied but it did not render the steer unconscious. The steer remained standing, vocalized, and had tracking eye movement. A second stun was applied

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with a HHCB, but it did not render the steer unconscious and the steer remained standing. Immediately a third stun was applied with a HHCB rendering the steer unconscious. During post-mortem inspection, IPP observed three distinct point of entry in the skull of the steer. IPP applied U.S. Rejected Tag # B37776815 to the kill chute. Mr. Trae Bragg, Plant Manager, was notified by the Atlanta District Office of the Reinstatement of Suspension.

This Reinstatement of Suspension is based on your establishment being in violation of 9 CFR 313.15(a)(1) and 313.15(a)(3) which were promulgated from the Federal Meat Inspection Act [21 U.S.C. 603] Section 10, which states, in part “ *No person, firm, or corporation shall, with 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-(b) slaughter or handle in connection with slaughter any such animals in any manner not in accordance with sections 1901 to 1906 of title 7.*”

In accordance with 9 CFR Part 500, the suspension of the assignment of inspectors from your establishment’s slaughter operations shall remain in effect until such time you provide adequate written assurances of corrective and preventive measures sufficient to assure that livestock are handled and slaughtered with minimal discomfort. These corrective actions and preventive measures should include at a minimum:

- 1) Identify the assessment process used to determine the nature and cause of the incident.
- 2) Identify what the assessment revealed as the likely cause, i.e., the specific reason(s) why the event occurred.
- 3) Describe the specific actions that will be taken to eliminate the cause of the incident.
- 4) Describe the specific actions that will be taken to prevent future reoccurrences.
- 5) Describe the future monitoring activities that your establishment will use to ensure that the actions are effective.

As a federally inspected establishment, you are expected to comply with the Humane Methods of Slaughter Act and all applicable FSIS regulations. Establishment personnel should continue to monitor operations to prevent humane handling failures from occurring in the future and maintain process control.

You may appeal this determination to:

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U.S. Department of Agriculture Food Safety and Inspection Service  
Attention: Melissa Moore  
Executive Associate for Regulatory Operations  
1400 Independence Avenue SW  
Room 344-E, Whitten Building  
Washington, DC 20250

In accordance with 9 CFR 500.5(d), you may request a hearing concerning this action by contacting:

Physical Address:  
(For Courier)

Scott C. Safian, Branch Chief  
Enforcement Operations Staff  
Office of Investigation, Enforcement and Audit  
Food Safety and Inspection Service  
United States Department of Agriculture  
Patriots Plaza III, 9th Floor, Cubicle 9-235A  
355 E Street, SW  
Washington, DC 20024-3221

or

Mailing Address:

Scott C. Safian, Branch Chief  
Enforcement Operations Staff  
Office of Investigation, Enforcement and Audit  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 3753, PP3, Cubicle 9-235A  
1400 Independence Avenue, SW  
Washington, DC 20250

Telephone: (202) 418-8872  
Fax Number: 202-245-5097

If you have any questions, please contact the Atlanta District Office at (404) 562-5900.

Sincerely,

PHYLIS  
PHYLIS ADAMS  
Digitally signed by  
PHYLIS ADAMS  
Date: 2022.03.16  
13:15:20-0400

Dr. Phyllis Adams  
District Manager

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cc: Philip Bronstein, AA/OFO  
Hany Sidrak, DAA/OFO  
Melissa Moore, EARO/OFO  
Scott Safian, EOS/OIEA  
Larry Hortert, RD/CID/OIEA

(b) (6)

Barney Welch, DDM/OFO  
Ghias Mughal, DDM/OFO  
Tracy Bryant, DDM/OFO

(b) (6)