



Food Safety and
Inspection Service

Alameda District
800 Buchanan St.
Albany, CA 94710

Phone:(510)769-5712

Fax: (844) 622-0081

April 6, 2022

James Olson, President
Olson Meat Plant
Establishment M21799
7301 Cutler Avenue
Orland, CA 95963

**CERTIFIED RETURN
RECEIPT REQUESTED**

E-mail: solson@olsonmeat.com

NOTICE OF SUSPENSION

Dear Mr. Olson:

This letter confirms the verbal notification that was provided to your establishment on April 6, 2022, by the Food Safety and Inspection Service (FSIS), Alameda District, of the withholding of the marks of inspection and the suspension of the assignment of inspectors for the Slaughter operations at your establishment in accordance with 21 U.S.C. 603 and Title 9 Code of Federal Regulations (CFR) Part 500.3 (b). This action is initiated due to your firm's failure to maintain or implement required controls to prevent the inhumane handling and slaughter of livestock at your establishment, and to appropriately stun an animal prior to slaughter in accordance with Title 9 CFR Part 313.15(a)(1). This is a noncompliance with 21 U.S.C. 603(b) of the Federal Meat Inspection Act, the Humane Methods of Slaughter Act of 1978, and the regulations promulgated thereunder.

Background/Authority

The Federal Meat Inspection Act (FMIA) (21 USC 603 et seq.) provides for the purpose of preventing the inhumane slaughtering of livestock that FSIS has the authority, as designated by the Secretary of the Department of Agriculture, to prescribe rules and regulations describing examine and inspect 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 the Act. FSIS may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughter establishment if FSIS 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 U.S.C. Title 7 until the establishment furnishes assurances satisfactory to FSIS that all slaughtering and handling in connection with the slaughter of livestock shall be in accordance with such a method.

Under the authorities of the Act, FSIS has prescribed rules and regulations required for the humane slaughtering of livestock, as contained in Title 9 CFR Part 313, and the Humane Methods of Slaughter Act of 1978. FSIS has also developed Rules of Practice regarding enforcement prescribed in Title 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, as well as the procedures for filing a complaint to withdraw a Grant of Federal Inspection.

Findings/Basis for Action

On April 6, 2022, the FSIS Supervisory Public Health Veterinarian (SPHV) observed your establishment's failure to conduct slaughter of livestock in accordance with the regulatory requirements. At approximately 0821 hours, the SPHV went to evaluate a non-ambulatory disabled market hog in the suspect pen. The hog was laying in right lateral recumbency, looking around, and aware of its surroundings. The SPHV informed your (b) (6) that the hog was unable to stand up on its own and would not be able to walk into the CO2 stunning unit for slaughter. At approximately 0914 hours, the SPHV observed (b) (6) apply the handheld captive bolt gun to the hog's forehead for the first stun attempt. The SPHV observed that the hog was still conscious as the animal was tracking its left eye around the pen and moving its head upwards. The SPHV informed (b) (6) that the hog was still conscious. (b) (6) walked up to the hog and the SPHV inquired if there was a backup captive bolt gun available for stunning. (b) (6) indicated that he was unsure of one and proceeded to test fire the captive bolt gun over the concrete barrier between the suspect pen and the alleyway to the CO2 chamber entry. At 0921 hours, (b) (6) applied the captive bolt to the hog's forehead again, after which the hog was still moving its eyes and following the SPHV's movements outside the suspect pen.

The SPHV informed (b) (6) that the hog was still conscious and asked again if he had any alternative device used for stunning, and if they test their weapons before using them. He walked back to the side entrance to look for an alternative device and could not find one. When he walked back to the suspect pen, he let the SPHV know he would be switching out with another employee. (b) (6) went to the slaughter floor to get another employee, and at 0925 hours the other employee came in and stunned the hog effectively with the captive bolt gun. This was an egregious act of inhumane handling of an animal in connection with slaughter for human food at your facility, as the animal remained conscious and sensible for approx. 11 minutes, from the first stunning until it was rendered unconscious on the third stunning. The SPHV notified (b) (6) of the noncompliance for failure to effectively stun the animal in such a manner that the animal is rendered unconscious.

The SPHV informed (b) (6) that no further stunning would be allowed due to the inhumane handling of livestock. The SPHV applied U.S. Rejected tag # B45184620 to the entry door of the CO2 unit.

This is an egregious act of inhumane handling of animals in connection with slaughter, as your establishment failed to effectively stun and euthanize a nonambulatory disabled market hog on the first shot and had not planned for or performed immediate corrective actions upon realizing that the animal was still conscious. The animal remained conscious, as the animal remained conscious and sensible for approx. 11 minutes, from the first stunning until it was rendered unconscious on the third stunning. Your establishment does not currently have a Robust Systematic Approach for humane handling and slaughter of livestock.

This is a violation of Title 9 CFR 313.15(a)(1), which states in part, “*The captive bolt stunners shall be applied to the livestock in accordance with this section to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut.*” This constitutes failure to adhere to the regulatory requirements of the humane handling and slaughter of livestock, as required by the Federal Meat Inspection Act, 21 U.S.C. 603(b), the Humane Methods of Slaughter Act, and the regulations promulgated thereunder.

The Federal Meat Inspection Act 21 U.S.C. Section 603(b) provides legal authority to suspend operations at any establishment where animals have not been handled in a humane manner as described in 7 U.S.C. 1901 where it states, “*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.*” In accordance with Title 9 CFR 500.3(b), the suspension of inspection at an establishment without prior notification for inhumane handling practices is warranted, as specified in Title 9 CFR 313 and under authority of 21 U.S.C. 621.

These findings demonstrate your failure to adhere to the regulatory requirements of the humane handling and slaughter of livestock, as required by the Federal Meat Inspection Act, 21 U.S.C. 603(b) and the Humane Methods of Slaughter Act, and the regulations promulgated thereunder.

Based on the above findings and your failure to meet statutory and regulatory requirements for the humane handling and slaughter of livestock, and in accordance with Title 9 CFR 500.3(b), FSIS is suspending the assignment of inspectors and withholding the marks of inspection for the slaughter operations at your establishment. This letter confirms the verbal notification of the suspension of the assignment of inspectors for the slaughter operations that FSIS provided to your establishment on April 6, 2022.

The suspension of the assignment of inspectors will remain in effect until you can proffer to the FSIS, Alameda District Office, adequate written assurances including corrective actions and preventative measures to assure that livestock at your establishment are handled and slaughtered humanely, in accordance with the FMIA, The Humane Methods of Slaughter Act, and regulations promulgated thereunder.

In addition, failure to respond to this Notice of Suspension and failure to assure that animals at your establishment are handled and slaughtered humanely in accordance with the statutory and regulatory requirements may result in further administrative enforcement actions.

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

Sherri N. Johnson
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture

1400 Independence Avenue, SW
SB, Room 1330A
Washington, DC 20250
Phone: (202) 379-6196

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

Scott C. Safian, Director
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
Voice: (202) 418-8872
Fax: (202) 245-5097

If you have any questions, please contact the Alameda District Office at (510) 769-5712.

Sincerely,

/s/ Abdalla Amin
Deputy District Manager

for
William Griffin
District Manager

cc:
A. Amin, DDM
V. Felix, DDM
F. Gillis, DDM

(b) (6)

S. Johnson, EARO
S. Baucher, IEA, RD
USDA, IIC, Est. M21799
FO/QR