



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

May 16, 2022

CERTIFIED MAIL

(b) (6)
White Oak Pastures, Est. M34729
22775B US Highway 27
Bluffton, GA 39824

NOTICE OF INTENDED ENFORCEMENT

Dear (b) (6)

This serves as official notification by Food Safety and Inspection Service (FSIS) of our intent to withhold the marks of inspection and suspend the assignment of inspection slaughter personnel at White Oak Pastures, M34729, located at 22775 US Highway 27 Bluffton, GA 39824 for failure to effectively implement humane methods of slaughtering and handling of animals in a manner that complies with the regulatory requirements prescribed by the Federal Meat Inspection Act (FMIA) and Humane Methods of Slaughter Act (HMSA).

Background and 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."

The Humane Methods of Slaughter Act 7 U.S.C 1901 states, "The Congress finds that the use of humane methods in the slaughter prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings

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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.

The Humane Methods of Slaughter Act 7 U.S.C 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.

Under the authorities of the above Acts, FSIS has prescribed rules and regulations required for establishments engaged in the slaughter of livestock and the production of meat products, including requirements pertaining to Humane Slaughter of Livestock, as required by 9 CFR 313. FSIS has also developed Rules of Practice regarding 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 Federal inspection.

Findings/Basis for Action

This Notice of Intended Enforcement (NOIE) is based upon your establishment being in violation of 9 CFR 313.15(a)(1) and 9 CFR 313.15(a)(3).

9 CFR 313.15(a)(1) states: *The captive bolt stunners 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.*

9 CFR 313.15(a)(3) states: *Immediately after the stunning blow is delivered the animals shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking, and bleeding.*

Specifically, on May 16, 2022, at approximately 0955 hours, while performing humane handling verification activities at White Oak Pastures, Establishment M34729, the Consumer Safety Inspector (CSI) observed a single bull being moved into the stunning area. The stunner used a captive bolt to render the bull unconscious. The first blow to the head knocked the bull down to the ground. The stunner then opened the stun gate and the bull rolled out onto the kill floor. As the stunner was trying to place the chain around the back leg of the bull, the bull stood up on its front two legs and did not vocalize. The secondary (back-up) stunner took immediate effective corrective action by delivering a second knock with the captive bolt to the bull's head. The second knock rendered the bull unconscious. U.S. Reject Tag # B43 383306 was placed on the stunning area, plant management was notified of the noncompliance and the Atlanta District Manager was notified. The establishment does maintain a Robust Systematic Approach (RSA) for humane handling of livestock which was effectively implemented. Postmortem inspection of the skinned head revealed that there were two distinct points of entry into the bull's head. The

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Atlanta District Manager determined that a Notice of Intended Enforcement would be issued. (b) (6)
(b) (6) was notified of this decision.

Summary and Conclusion

In accordance with FSIS' Rules of Practice, 9 CFR Part 500, we are notifying you of our intent to withhold the marks of inspection and suspend the assignment of inspectors for slaughter operations at your facility. Please be advised that as a federally inspected establishment, you are expected to comply with regulations 9 CFR §313.15 and all other requirements concerning humane slaughter of livestock.

Please provide this office with a written response concerning corrective actions and preventive measures for this NOIE **within three (3) working days** from the date of your receipt of this letter. Further action, if any, will be based on your response. The corrective actions and preventive measures in your response should address the following:

- 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.

You may appeal this determination to:

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
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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, SB, Room 2148
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,

Dr. Phyllis Adams
Dr. Phyllis Adams
District Manager

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

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

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