



United States Department of Agriculture

Food Safety and Inspection  
Service

May 5, 2022

Office of Field Operations  
Jackson District Office  
713 S Pear Orchard Rd.  
Plaza 2, Suite 402  
Ridgeland, MS 39157

**Via Email: lharrison@marksburyfarm.com  
And FedEx Tracking Number  
#776780207982**

Mr. Leonard Harrison, Chief Operating Officer  
Marksbury Farm Foods, LLC, Est. M40041  
7907 Nicholasville Road  
Lancaster, KY 40444

### **NOTICE OF SUSPENSION HELD IN ABEYANCE**

Dear Mr. Harrison:

On May 4, 2022, a “Notice of Suspension” was issued to suspend the assignment of inspectors for your federal slaughter activities at Marksbury Farm Foods, LLC, Est. M40041. This action was based on your establishment’s failure to handle livestock humanely according to 9 CFR Part 313. Specifically, on May 4, 2022, at approximately 12:45 PM CDT, the FSIS Food Inspector witnessed a market hog delivered to your establishment’s knock box. An electrical head stun was delivered, and the animal was released from the box onto the floor as per your establishment’s normal procedure. The animal was observed to be unconscious. There was a delay in heart stunning, the animal began to attempt to become sternal, and ultimately stood and left the area. The knock box was tagged with USDA Retain/Reject tag #B-45659862 and (b) (6), was notified of the observed events and regulatory control action.

On May 4, 2022, you submitted your first response with written corrective actions and preventive measures to meet the requirements of the Humane Methods of Slaughter Act. The Jackson District Office analyzed your response and advised you that the proffered corrective actions and preventive measures were not adequate. Specifically, you were informed to provide details of your actual stunning training process and procedures; provide clarification on who will receive/has received stunning training and refresher training on successful stunning; the frequency of when you will provide refresher training to your employees; any associated logs for your stun training/refresher training; clarification on whether new hire kill floor employees will receive this training upon hiring; provide any procedures for immediate remedial refresher training for any employees that fail to follow your establishment’s Humane Handling procedures, including any monitoring logs; provide clarification on who will perform the stunning training and the trainer’s credentials; provide any associated log or method for USDA In-Plant Personnel (IPP) to monitor your employees who have commenced stunner training; provide clarification on whether an employee must be “credentialed in stunning” and signed an affirmation having completed your establishment’s proffered stunner training in order for an employee to work independently as a stunner; provide your “Marksbury’s Stunning Program” and the document of the deviation and expectations; provide additional information on how you

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intend upon addressing the underlying humane handling failure, which appears to have been a delay in the thoracic (heart) stun and how your actions will prevent recurrence.

On May 5, 2022, you submitted your second response with written corrective actions and preventive measures to meet the requirements of the Humane Methods of Slaughter Act. The Jackson District Office analyzed your response and advised you that the proffered corrective actions and preventive measures were not adequate. Specifically, you were informed to provide clarification on whether there would be one or two stunners performing stunning procedures at your establishment and to provide clarity on each stunner's responsibilities.

On May 5, 2022, you provided your third response. The Jackson District Office analyzed your response and determined that the response adequately addressed the identified issues. On May 5, 2022, at 11:55 AM CDT, the Deputy District Manager telephoned you and verbally notified you that the corrective actions and preventive measures you proffered were adequate to meet the requirements to place Marksbury Farm Foods, LLC, Est. M40041, under a "Notice of Suspension Held in Abeyance." This letter formally informs you of this action. Specifically, you stated that the root cause of the humane handling failure was due to a lack of training; you stated that you conducted a thorough investigation, including interviews and review of video footage to identify exactly what happened; you stated that the plant CEO, Mr. Leonard Harrison, discussed the training deviation with the Kill Floor Supervisor and went over the "Marksbury's Stunning Program" with the employee to point out where the deviation took place and what is expected of both the trainer and the trainee; you provided your "Marksbury Stunning Program" and a copy of the deviation and expectations; you stated that your establishment will do training/retraining on the animal stunning training process and procedures; you stated that all stunning training requests will be approved by the Plant or General Manager before training may commence; you stated that all stunning trainees will be provided with a different colored hardhat to make it visible to all people on the floor that someone is under training; you stated that your establishment will inform USDA IPP when someone is starting their stunning training; you provided your robust stunning training program and your "Marksbury Animal Stunning Training Request" form; you stated that the refresher training will be provided to all credentialed stunners by (b) (6); you stated that refresher training will be done on a quarterly basis; you provided your "Stunning Training Log" that you stated will be implemented once stunner training commences; you stated that your stunning training will only be provided to someone specifically training to become a stunner and not to all new hire kill floor employees; you stated that if an employee fails to follow your establishment Humane Handling procedures, the stunner that is in retraining will be required to stun 50 animals (only of the species in which the Humane Handling incident took place) under direct observation of another credential stunner and that the same training log will be utilized to verify training is being completed as required; you stated that stunning training may be performed by a stunner who has been credentialed by Marksbury Farm as a certified, credentialed stunner; you provided your "Certification of Credentials in Stunning for Marksbury Farm" form and signed copies for your current credentialed stun operators; you stated once a hardhat has been purchased, USDA will be informed to ensure they understand what the establishment's hardhat colors mean; you provided a copy of your "Marksbury Farm Training Attendance & Completion Record" training log; you stated that your training logs will be made available to USDA IPP to monitor how an employee is progressing through training; you stated that upon completing stunning training, a copy of the signed credentials will be made available for USDA IPP to see that training has been completed successfully and; you provided your updated "Marksbury Farm Training Attendance & Completion Record" differentiating the roles between Stunner 1 and Stunner 2.

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A copy of the FSIS Verification Plan (VP) will be provided to assist you in understanding the nature and importance of the Agency's verification activities. The FSIS Verification Plan is designed to verify that your establishment fully implements the revisions to its humane handling of animals and other corrective actions and preventive measures stated in your May 4 and May 5, 2022, responses and that these revisions and corrective actions and preventive measures are effective in ensuring future regulatory compliance. The FSIS Verification Plan identifies your corrective actions, the regulatory requirement(s), and the PHIS Task under which FSIS officials will verify the implementation and effectiveness of your proffered action plan.

Please be further advised that this suspension of inspection at your establishment will remain in Abeyance pending verification by FSIS that your proposed corrective actions and preventive measures have been implemented and are effective in ensuring future regulatory compliance. Agency personnel will begin immediate verification of your corrective actions and preventive measures.

It is important for you to understand that FSIS has the responsibility to initiate action if your establishment fails to operate in accordance with the regulations, or conditions occur that do not comply with the Humane Methods of Slaughter Act. In these situations, FSIS personnel will take regulatory control of product or other appropriate action.

Please be advised that as a federally inspected establishment, you are expected to comply with the Federal Meat Inspection Act and the Humane Methods of Slaughter Act, and all applicable regulations and other requirements concerning the preparation, sale, and transportation of meat products. Failure to comply with these requirements or to effectively implement the measures addressed in your responses, dated May 4 and May 5, 2022, could result in the immediate suspension of inspection at your establishment or other appropriate action(s).

If you have any questions about this action, please contact the Jackson District Office at (601) 965-4312.

Sincerely,

DAMON  
RANFTLE

Digitally signed by  
DAMON RANFTLE  
Date: 2022.05.05  
12:52:34 -05'00'

For:

Dr. Larry Davis  
District Manager  
Jackson District Office

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Cc: (b) (6)

- Dr. Larry Davis, DM (via electronic copy)
- Dr. Damon Ranftle, DDM (via electronic copy)
- Dr. Kermit Harvey, DDM (via electronic copy)
- Mr. Jason Orlando, DDM (via electronic copy)

(b) (6)

- Ms. Geraldine French, EARO (via electronic copy)
- Washington, D. C. FSIS HQ personnel (via electronic copy)