



Food Safety and
Inspection Service

June 06, 2022

Office of Field Operations

**ORIGINAL VIA FED EX NEXT DAY AIR –
DELIVERY CONFIRMATION REQUESTED**

Philadelphia District
Mellon Independence
Center,
701 Market Street Suite
4100-A
Philadelphia, PA 19106

Ms. Tara Oeschger, President
Northeast Kingdom Processing, LLC. (EST 46706)
796 Industrial Parkway
St. Johnsbury, VT 05819

REINSTATEMENT OF SUSPENSION

Dear Ms. Oeschger,

This letter confirms verbal notification provided to Ms. Tara Oeschger, President, by Ms. Valerie Clay, Deputy District Manager (DDM), at approximately 1455 hours on June 06, 2022, of the Food Safety and Inspection Service's (FSIS) decision to reinstate the suspension of the assignment of Inspection Program Personnel (IPP) for all Slaughter Hazard Analysis and Critical Control Point (HACCP) processes at **Northeast Kingdom Processing, LLC. (EST 46706)** located in St. Johnsbury, VT. FSIS is issuing this notification in accordance with the Rules of Practice, Title 9 of the Code of Federal Regulations (9 CFR) Part 500.3(b).

Findings/Basis for Action

On June 06, 2022, at approximately 1210 hours, the Consumer Safety Inspector (CSI) observed the following egregious Humane Handling incident. The CSI observed the trained plant employee load a sow hog into the stunning box. The employee then attempted to stun the sow using a hand-held, charge-driven penetrating captive bolt device. The sow vocalized after the initial stunning attempt. The plant employee then utilized the back-up hand-held, charge-driven penetrating captive bolt device to attempt to stun the animal. The sow again vocalized, so the employee used the electrical stunner to effectively stun the animal. The animal remained stunned during the shackling, sticking, and bleeding processes. The stun chute was tagged with US Reject Tag No. B42198150. The plant is, currently, operating under an abeyance for a previous Notice of Suspension (NOS) issued on March 21, 2022. The NOS was placed into abeyance on March 22, 2022.

On March 21, 2022, the establishment was issued an NOS for the egregious ineffective stunning of a sow hog with an electrical stunning device. Establishment management determined that the ineffective stunning was due to using the wrong settings on the stunner, so not there was not enough electricity (voltage) for the size of the animal. Establishment management submitted

corrective actions and responded to clarifications to those corrective actions. The NOS was placed into abeyance on March 22, 2022. In their submitted corrective actions, establishment management stated that they would use “Head then Heart” electrical stunning on boars and sows, followed by a captive bolt security stun. The corrective actions were not being followed in the incident that occurred today.

For captive bolt stunning, 9 CFR Part 313.15 requires that 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.

Background/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.”

Under the authorities of the FMIA, FSIS has prescribed rules and regulations required for establishments producing meat products, including the requirements pertaining to Sanitation Performance Standards (SPS), Sanitation Standard Operating Procedures (SSOP), Hazard Analysis and Critical Control Point (HACCP) 9 CFR Parts 416, 417, and other matters. FSIS has also developed Rules of Practice regarding the enforcement action that it may take and includes 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.

7 U. S. C. 1901

Humane Methods of Slaughtering Act 7 USC 1901 states, “The Congress finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings 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.”

7 U. S. C. 1902

The Humane Methods of Slaughtering Act 7 USC 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.”

When an egregious situation exists, 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 above Acts, FSIS has prescribed rules and regulations required for establishments producing meat and poultry products, including the requirements pertaining to Humane Slaughter of Livestock, as required by 9 CFR 313, and other matters.

Please provide this office with a written response concerning this NOS by addressing the following:

- Evaluate and identify the nature and cause of the incident.
- Explain the specific reason(s) why the event occurred.
- Describe the specific actions taken to eliminate the cause of the incident.
- Describe specific planned actions that you will take to prevent future reoccurrences.

Provide associated records that include monitoring and verification activities your establishment will use to ensure that changes are effectively implemented. We will determine further action, if any, based on your response.

You are reminded that as an operator of a federally inspected plant you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent the inhumane treatment of animals at your establishment. Please be advised you have the right to appeal this matter. If you wish to appeal, you should contact:

Executive Association for Regulatory Operations
USDA, FSIS, Field Operations
1400 Independence Ave. S. W.
Room 3161, South Building
Washington, DC 20250-3700
Telephone: 202-215-0001

In addition, you may also request a hearing regarding this determination pursuant to FSIS Rules of Practice (9 CFR Part 500). The rules of practice were published in the Federal

Register, Vol.64, no 228, on November 29, 1999. As specified in section 500.5(d), should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing. If you wish to request a hearing regarding this determination, you should contact:

Scott C. Safian, Director
Enforcement Operations Staff (EOS)
Office of Investigation, Enforcement and Audit (OIEA)
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
Facsimile: (202) 245-5097

If you have any questions regarding this matter, please feel free to contact Ms. Valerie Clay, Deputy District Manager (DDM) at Valerie.Clay@usda.gov or by phone at (215) 430-6312

Sincerely,

VALERIE CLAY Digitally signed by VALERIE CLAY
Date: 2022.06.06 16:09:27 -04'00'

Ms. Melissa Moore
Acting District Manager
Philadelphia District Office

CC:

FSIS - FO/Quarterly Enforcement Report

Mr. Mark Crowe, Director, CID, FSIS, OIEA, Washington, DC

Ms. Melissa Moore, EARO, FSIS, OFO, Washington, DC

Mr. Joseph Priore, RD, FSIS, OIEA, Northeast Region

Ms. Valerie Clay, DDM, FSIS, OFO, Philadelphia District Office

Mr. Michael Osifat, DDM, FSIS, OFO, Philadelphia District Office

Mr. Joseph Schein, DDM, FSIS, OFO, Philadelphia District Office



Official Files Establishment Folder – Est. 46706

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