



United States Department of Agriculture

Food Safety and
Inspection Service

Certified Mail

Office of Field
Operations

June 2, 2022

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

NOTICE OF SUSPENSION

Dear (b) (6)

This serves as official notification by the Food Safety and Inspection Service (FSIS) to withhold the marks of inspection and suspend the assignment of slaughter inspection personnel at White Oak Pastures, Est. M34729, located at 22775B US Highway 27, Bluffton, GA 39824. This action is based on your establishment's failure to effectively implement humane methods of slaughtering and handling of animals in accordance with 9 CFR Part 313.

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.*

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

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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 May 16, 2022, FSIS issued a Notice of Intended Enforcement (NOIE) to White Oak Pastures, Est, M34729, to withhold the marks of inspection and suspend the assignment of inspection slaughter personnel because your establishment failed to consistently handle and slaughter animals humanely in accordance with 9 CFR Part 313. You submitted corrective and preventative measures and on May 19, 2022, FSIS issued a Notice of Deferral (NOD) based on the corrective and preventive measures proposed by your establishment to assure the humane handling of livestock.

However, on June 1, 2022, at approximately 1500 hours, Inspection Program Personnel (IPP) observed as two (2) male intact goats with large horns were moved into the cattle-sized stunning chute. No employee or equipment was in the stunning area to hold or restrict the goats' movement. No head gate or smaller pen was utilized to restrict movement. IPP also observed a plant employee on the catwalk leaning over into the stunning area. IPP heard one distinct shot and then heard vocalization coming from one of the goats. IPP observed a plant employee reload a firearm and take a second shot toward the goats in the stunning area. One goat was still vocalizing. IPP heard a third shot and continuing vocalization from a goat. IPP then stepped onto the catwalk that is adjacent to the stunning box and saw two goats still standing in the stun chute with blood coming from each of their nostrils.

The goats were still able to move about freely in the stun chute and IPP observed the goats moving back and forth. IPP observed the plant employee load a captive bolt and take a poll shot on the first goat, successfully rendering the goat unconscious. IPP and the plant employee stepped down from the catwalk and the door to the stunning chute was raised to facilitate access to the remaining conscious goat. The plant employee used the captive bolt to render the second goat unconscious. U.S. Reject tag NO. B43 383298 was immediately placed on the stunning chute and all slaughter operations were halted. Plant management was notified of the reject tag being placed on the stun chute. On

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postmortem examination it was noted that one goat's skull had three distinct points of entry and the second goat's skull had one distinct point entry.

This Suspension is based on your establishment's violation of 9 CFR 313.16(a)(1), 9 CFR 313.16(a)(3), and 9 CFR 313.16(b)(iii).

9 CFR 313.16 Mechanical; gunshot.

(a) Utilization of firearms required effect, handling.

(1) The firearms shall be employed in the delivery of a bullet or projectile into the animal in accordance with this section so as to produce immediate unconsciousness in the animal by a single shot before it is shackled, hoisted, thrown, cast, or cut. The animal shall be shot in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.

(3) Immediately after the firearm is discharged and the projectile is delivered, the animal shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding.

(b) Facilities and procedures— (1) General requirements for stunning facilities; operator (iii) The provisions contained in 9 CFR 313.15(b)(1)(iii) with respect to the stunning area also apply to the shooting area. 9 CFR 313.15(b)(1)(iii) in part states: The stunning area shall be so designed and constructed as to limit the free movements of animals sufficiently to allow the operator to locate the stunning blow with a high degree of accuracy.

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.

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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:

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: Scott C. Safian, Branch Chief
(For Courier) 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, SB, Room 2148
 1400 Independence Avenue, SW
 Washington, DC 20250
 Telephone: (202) 418-8872
 Fax Number: 202-245-5097

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

Sincerely,

PHYLLIS ADAMS
Digitally signed
by PHYLLIS
ADAMS
Date: 2022.06.03
08:32:39 -04'00'

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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