



May 25, 2022

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Mr. Azme Taha, Owner
Herscher Halal Meat Locker
Est. M47553
11260 W. State Route 115
Herscher, IL 60941

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Taha:

This letter confirms verbal notification provided to Dr. Amjad Assi, Plant Manager, by Dr. Donald Fickey, District Manager, on May 25, 2022, of the Food Safety and Inspection Service's (FSIS) decision to place the Notice of Suspension (NOS) issued to your establishment on May 24, 2022, into abeyance. This action is based on the review, analysis, and acceptance of your proposed corrective actions and preventive measures submitted to the FSIS Chicago District Office on May 24 and 25, 2022.

Background

On May 24, 2022, you were notified of the FSIS decision to withhold the marks of inspection and suspend the assignment of inspection program personnel (IPP) from your slaughter process at Herscher Halal Meat Locker, M47553, located at 11260 W. State Route 115 in Herscher, Illinois. This action was based on your establishment's failure to effectively implement humane methods of slaughtering and handling animals in a manner that complies with the requirements prescribed by the Federal Meat Inspection Act (FMIA) and the Humane Methods of Slaughter Act of 1978 (HMSA). Your establishment was in violation of Title 9 of the Code of Federal Regulations (9 CFR), Sections 313.15(a)(1) and 313.15(b)(1)(iv). The Rules of Practice, 9 CFR 500.3(b), specify that FSIS may issue a suspension without providing prior notification if an establishment is observed to be handling or slaughtering animals inhumanely. You were provided a written copy of the NOS.

Within the NOS, the FSIS Chicago District Office requested that you submit a written response with corrective actions and preventive measures to address the following:

1. Identify the specific reason(s) why the events described occurred.
2. Describe the specific action(s) that will be implemented to eliminate the cause of the incident and prevent future recurrences.
3. Describe the specific future monitoring activity or activities that your establishment will employ to ensure the actions implemented are effective.
4. Provide any supporting documentation and records maintained and associated with your proposed corrective actions and preventive measures.

Corrective Actions

On May 24, 2022, you submitted a written response with the proposed corrective actions intended to restore and maintain regulatory compliance as required. On May 25, 2022, the FSIS Chicago District Office initiated a phone call with you requesting additional details and clarifications. You provided the following information in a revised response on May 25, 2022.

You identified the cause as the employee using the handheld captive bolt device was neither trained nor skilled with using the device. Because of this, the shots were inaccurately placed, and after the first attempt failed, an employee had to leave the area to retrieve additional ammunition.

You proposed the following corrective actions:

The main actions to be implemented will be:

Training: The training will cover the following topics:

- Safety and Maintenance of Captive-Bolt Equipment according to the documents Captive-Bolt Stunning for Livestock, 3rd Edition, HSA 2001
- Recommended Captive Bolt Stunning Techniques for Cattle (Maintaining Effectiveness of Stunning) according to the document Recommended Captive Bolt Stunning Techniques for Cattle by Temple Grandin
- How to Determine Insensibility (Unconsciousness) in Cattle and Sheep in Slaughter Plants according to the document How to Determine Insensibility (Unconsciousness) in Cattle, Pigs, and Sheep in Slaughter Plants

The spreadsheet titled “Humane Handling Training Record” was provided.

The training will be conducted in two stages:

First stage: The plant manager and the other worker who is trained to use the captive (b) (6) (b) (6) will take the refresher training and prepare the training for the other employees. This training will be completed by May 25, 2022.

Second stage: Training of all other employees in the facility on the same three topics mentioned earlier. The plant manager and (b) (6) will oversee training for the other employees and will monitor the practices and documentation. This training will be completed by June 10, 2022. Until the training is completed, the plant manager and (b) (6) will perform captive bolt stunning of livestock when necessary.

For practical experience, and under the trainer supervision, the trainees will be stunning some animals after the ritual cut has been made. Stunning effectiveness will be evaluated as outlined in the document *How to Determine Insensibility (Unconsciousness) in Cattle, Pigs, and Sheep in Slaughter Plants*, such as: neck and head must be loose, eyes should be wide open with a blank stare, animals never blink or have corneal reflex in response to touch.

Other references to be used in training are:

FSIS Directive 6900.2, Revision 2, Humane Handling and Slaughter of Livestock, 8/15/11.

Recommended Animal Handling Guidelines & Audit Guide: A Systematic Approach to Animal Welfare, by Temple Grandin, June 2017

(b) (6) and/or the plant manager will perform captive bolt maintenance monthly and document it on the form titled “Maintenance of Captive-Bolt Equipment Record.”

The verification monitoring activities will be conducted by either the plant manager or (b) (6) and will focus on training, proper use of the captive bolt stunner, and effective stunning. These activities will be documented on three documents. The document titled "Humane Handling Training Record" will document the results of employee training. The document titled "Humane Handling Records" will be for documenting any incidents that occur each time the captive bolt device is used. The "Humane Handling Records" sheet will include the following items: Date, Time, Employee Name, Employee Initials, Type of Animal, if stunning was effective from the first time, if corrective action was needed, Record Verification, Initials, and Time and Date for record verification. The document titled "Maintenance of Captive-Bolt Equipment Record" will document the monthly maintenance record for the captive bolt equipment. The plant manager of (b) (6) will be responsible for the documentation of the monthly maintenance of the captive-bolt equipment and documenting the use of the captive-bolt equipment when used for the animals in your facility.

You provided the referenced materials for review.

The FSIS Chicago District Office has concluded that these activities as described, provided they are successfully implemented, will serve to adequately address the regulatory issues identified within the NOS.

Summary and Conclusion

This letter serves as written notification that FSIS is placing the suspension of the assignment of IPP at your establishment into abeyance. The abeyance will remain in effect until your proposed corrective actions have been verified to be successfully implemented on a consistent and continuous basis. The corrective actions you proposed will be subject to verification by FSIS IPP. These verification activities will serve to assess the implementation of the corrective actions and the requirement to maintain compliance with the FMIA, HMSA, and all applicable FSIS regulations.

FSIS is committed to monitoring establishments' operations to verify compliance with the regulatory requirements. To assist in those verification activities as a contingency of abeyance, FSIS has developed a Verification Plan Report (VPR) based on your corrective actions. The VPR will be completed by FSIS IPP as a means to document the implementation of the corrective actions throughout the abeyance period. The VPR identifies specific elements of your corrective actions and the associated regulatory requirements. These will be subject to verification until FSIS has made the determination that your establishment has effectively implemented these corrective actions. Additionally, during the abeyance period, humane handling verification visits (HHVV) will be conducted at 30-day intervals to assess your progress in implementing the corrective actions. FSIS verification includes the expectation that you meet any time associated commitments identified within your proposal. Should your establishment fail to operate in accordance with these commitments or fail to comply with the regulatory requirements, FSIS will take immediate and appropriate regulatory control actions.

You are reminded that as an operator of a federally inspected facility, you are expected to fully comply with all FSIS regulations and to take appropriate corrective actions to prevent the inhumane treatment and slaughter of livestock. The HMSA, Sections 1901, 1902, and 1906, state that the slaughtering and handling of livestock are to be carried out only by humane methods. 9 CFR 313 contains the FSIS regulatory requirements that were promulgated based on the HMSA and the FMIA. It is fully expected that you comply with the HMSA, FMIA, and the regulatory requirements of Part 313, and that you carry out each of the corrective and preventive actions you proposed in response to the egregious incident. Failure to comply could result in the reinstatement of suspension at your facility or other appropriate administrative or legal actions. We urge your cooperation and voluntary compliance.

If you have questions regarding this matter, you may contact (b) (6) (b) (6) (b) (6), or this office at (630) 620-7474 or by fax at (630) 620-7599.

Sincerely,

DONALD FICKEY
Digitally signed by
DONALD FICKEY
Date: 2022.05.25
16:20:47 -0500

Dr. Donald B. Fickey
District Manager
FSIS Chicago District