



August 30, 2022

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Mr. Logan Rohr, Owner
3D Meats, LLC
Est. M45377
14740 Lincoln Way E.
Dalton, OH 44618

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Rohr:

This letter confirms verbal notification provided to (b) (6), by Dr. Tamara Davis, Deputy District Manager, on August 30, 2022, of the Food Safety and Inspection Service's (FSIS) decision to place the Notice of Suspension (NOS) issued to your establishment on August 29, 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 August 29 and 30, 2022.

Background

On August 29, 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 3D Meats, LLC, establishment M45377, located at 14740 Lincoln Way E in Dalton, Ohio. 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), Section 313.30(a)(4). 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 August 29, 2022, you submitted a written response with the proposed corrective actions intended to restore and maintain regulatory compliance as required. Upon receipt of these corrective actions, the FSIS Chicago District Office performed a review and analysis. After the review, the District Veterinary Medical Specialists (DVMSs) initiated a teleconference with (b) (6), to discuss the corrective actions as proposed. The DVMSs provided information and requested additional details and clarifications necessary so that your response would sufficiently address the regulatory issues identified within the NOS. On August 29, 2022, you provided additional information and revisions. After review and analysis, you were issued an inadequate response letter dated August 30, 2022, specifying the requirement for additional details. On August 30, 2022, you provided the additional information as requested. Specifically, you proposed the following:

1. Immediately after the event, you explained to the stunning operator that he needs to hold the wand on the animal until the device beeps and the light blinks for both the head knock and the head to heart knock on lambs so this never occurs again.
2. You are going to start knocking all of the lambs, goats, and sheep with the captive bolt gun instead of the electric stunner. This will ensure that there are no issues with the stunner while knocking these animals.
3. You explained to the stunning operator why the egregious event happened and the correct way to use the stunning device. You provided a signed sheet documenting this conversation.
4. You will monitor that the employee doing the knocking is stunning properly and checking the animal for consciousness. You will monitor at least 10 percent of the total number of that species killed that day. You provided the monitoring form entitled “Lamb and Goat Humane Stunning Chart” where establishment management or a designee will record the date, whether animals were stunned properly, and whether the animals were checked for consciousness as acceptable or unacceptable. If the results are unacceptable, it is expected that the employee will immediately use corrective action to ensure the animal is unconscious.
5. Employees will be retrained on August 30, 2022. The retraining will cover captive bolt, electric stunner, and live round stunning. The employees will also be retrained on what signs to look for that determine whether the stun was effective in causing the animal to be unconscious. The signs that they will need to look for to determine if the stun was effective is that the animal collapses after the stun, no eye tracking, no response to touching the eye. The signs that they will need to look for to determine if the stun was ineffective are eye tracking, standing intentionally, vocalization. Employees should also check eyes by touch to see if the animal blinks. We will have the employees go over the Humane Handling: Consciousness and Stunning course that is on the FSIS USDA website [\[https://www.fsis.usda.gov/sites/default/files/media_file/2021-07/Humane-handling-Consciousness-and-Stunning-20210406.pdf\]](https://www.fsis.usda.gov/sites/default/files/media_file/2021-07/Humane-handling-Consciousness-and-Stunning-20210406.pdf) You provided a copy of the form you will have employees sign to verify that they understand the training.
6. The corrective actions for our different stunning devices are the following:
Electric Stunner- If initial stun attempt is ineffective the employee should Immediately without hesitation use the captive bolt gun to ensure that the animal is unconscious.
Captive bolt- If the initial stun attempt is ineffective the employee should immediately without hesitation use the second captive bolt gun or use a live round gun to ensure the animal is unconscious.

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) or this office at (630) 620-7474 or by fax at (630) 620-7599.

Sincerely,

TAMAR Digitally signed by
TAMARA DAVIS
A DAVIS Date: 2022.08.30
13:45:34 -05'00' / For

Dr. Donald B. Fickey
District Manager
FSIS Chicago District