



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations

Atlanta District Office

100 Alabama St., SW.
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Atlanta, GA. 30303
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800-282-7005

October 13, 2016

Mr. Carlos Robles, President/GM
St. Croix Abattoir, Est. M482
Estate Lower Love
St. Croix, VI 00850

CERTIFIED MAIL RETURN
RECEIPT REQUESTED
RECEIPT#7014 2120 0002 3246 3405

NOTICE OF SUSPENSION

Dear Mr. Robles,

This serves as official notification by Food Safety and Inspection Service (FSIS) to withhold the marks of inspection and suspend the assignment of inspection program personnel at St. Croix Abattoir, Est. M482, located at Estate Lower Love St. Croix, VI 00850. This Suspension is based on the failure of the St. Croix Abattoir, M482, to humanely and effectively handle livestock according to 9 CFR 313.15

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 Federal Meat Inspection Act 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 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 to 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.

This Suspension is based upon the failure of St. Croix Abattoir, Est. M482 to handle livestock in a humane manner. Specifically, on October 13, 2016 at approximately 10:40 am while verifying the humane slaughter of livestock the Consumer Safety Inspector (CSI) observed establishment personnel ineffectively stun a Senepol bull with a Hand Held Captive Bolt (HHCB). After the seventeenth (17) shot had been fired with the HHCB the CSI observed that the bull was shackled and partially hoisted but had rhythmic breathing and a corneal reflex. The CSI counted up to 24 shots being fired with the HHCB before the animal was rendered unconscious, fully hoisted and bled. A regulatory control action was taken by tagging the stun box with U.S. Reject tag number B19323312. This is an egregious humane handling noncompliance.

For captive bolt stunning, 9 CFR Parts 313.15(a)(1) and (3) require 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. The animals shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort and immediately after the stunning blow is delivered the animals shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding. Further, 9 CFR Part 313.15(b) (1) (i) requires that acceptable captive bolt stunning instruments may be either skull penetrating or nonpenetrating. Penetrating instruments on detonation deliver bolts of varying diameters and lengths through the skull and into the brain. Unconsciousness is produced immediately by physical brain destruction and a combination of changes in intracranial pressure and acceleration concussion. Captive bolts shall be of such size and design that, when properly positioned and activated, immediate unconsciousness is produced. 9 CFR 313.15(b) (1) (iv) further states that the stunning operation is an exacting procedure

and requires a well-trained and experienced operator. He must be able to accurately place the stunning instrument to produce immediate unconsciousness. He must use the correct detonating charge with regard to kind, breed, size, age, and sex of the animal to produce the desired results. 9 CFR 313.15(b)(2) states that the choice of instrument and force required to produce immediate unconsciousness varies, depending on kind, breed, size, age, and sex of the animal.

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 as you provide adequate written assurances of corrective and preventive measures sufficient to assure that that livestock are handled and slaughtered with minimal excitement and 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.

These regulatory requirements were promulgated from the Federal Meat Inspection Act [21 U.S.C. 603] Section 10, which states, in part " *No person, firm, or corporation shall, with 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-(b) slaughter or handle in connection with slaughter any such animals in any manner not in accordance with sections 1901 to 1906 of title 7.*"

In accordance with 9 CFR 500.5(d), you may request a hearing concerning this action by contacting:

Director
Enforcement and Litigation Division
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
United States Department of Agriculture

Stop Code 3753, PP3, Cubicle 8-235A
1400 Independence Avenue, SW
Washington, DC 20250
Telephone No. (202) 418-8872
Fax No. 202-445-5097

You may appeal this determination to:

Executive Associate for Regulatory Operations
USDA, FSIS, Field Operations
Room 3157-S
1400 Independence Ave., SW
Washington, DC 20250
Telephone: 202-205-4208
Fax: 202-690-3287

If you have any questions regarding this matter, contact me at (404) 562-5900.

Sincerely,



Dr. Phyllis Adams
District Manager

cc: William Smith, AA/OFO
Roberta Wagner, DAA/OFO
Hany Sidrak, EARO/OFO
Scott Safian, ELD/OIEA
Larry Hortert, RD/CID/OIEA

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C. Jan Brown, DDM/OFO
Dennis Reisen, DDM/OFO
Ghias Mughal, DDM/OFO

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