



United States  
Department of  
Agriculture

Food Safety and  
Inspection Service

Office of Field  
Operations

Raleigh District Office  
6020 Six Forks Rd.  
Raleigh, NC 27609

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**FASCIMILE / COURIER**

June 27, 2013

Mr. Jerry Matkins  
President/General Manager  
Est. # 07975--M  
Matkins Meat Processors, Inc.  
9683 Kerr's Chapel Rd.  
Gibsonville, NC 27240

**NOTICE OF REINSTATED SUSPENSION HELD IN ABEYANCE**

Dear Mr. Matkins,

On June 11, 2013, your establishment received official notification from the Food Safety and Inspection Service (FSIS), of the suspension of the assignment of FSIS inspectors for slaughter operations at Matkins Meat Processors, Inc., Est. 07975--M. This action was initiated, in accordance with Title 9 of the Code of Federal Regulations (CFR), part 500.3 (b), after FSIS determined that your establishment failed to handle animals humanely.

On June 14, 2013, you were notified that because of your continued failure to provide adequate corrective actions to the reinstated suspension; this matter would be referred to our Enforcement and Litigation Division (ELD) in Wash., D.C. for review and analysis and all correspondence regarding the matter was directed to ELD.

On June 18, 2013, ELD issued a Notice of Show Cause letter to your establishment, requesting that you respond to why FSIS should not indefinitely suspend or withdraw inspection services from Matkins based on your establishment's history of non-compliance.

On June 26, you provided FSIS with proposed responses to the suspension action. Your responses outlined written corrective and preventive measures to bring your establishment into compliance with humane handling of livestock requirements and to achieve compliance with the Federal Meat Inspection Act (FMIA) (21 U.S.C 603), the Humane Methods of Slaughter act of 1978 (HMSA) (7 U.S.C. 1901 et seq.), and regulations {9 CFR part 313.2(f), 313.16 and 313.50 (c)}.

Based on your submitted written assurances for corrective action, you were verbally informed that the suspension of the assignment of inspectors for slaughter operations at your plant would be held in abeyance effective June 26, 2013, in accordance with 9 CFR part 500.5 (e).

The suspension will remain in abeyance pending verification by FSIS that your proposed corrective and preventive measures have been effectively implemented. Plant personnel should monitor operations to prevent violations of humane handling and slaughter from occurring in the future. It is also important for you to understand the responsibility of FSIS to initiate action when there is a failure to operate in accordance with 9 CFR Part 313 of the regulations.

As an operator of a federally inspected establishment, you are expected to comply with FSIS regulations. Please be advised that your failure to effectively implement corrective and preventive measures may result in reinstatement of suspension or further enforcement action.

**A copy of the FSIS Verification Plan is enclosed to assist you in understanding the nature and importance of the Agency's verification activities. This FSIS Verification Plan is designed to verify that your establishment fully implements the corrective actions proffered in your June 26, 2013 proposal, and that these revisions and corrective actions are effective in assuring ongoing regulatory compliance. It identifies your corrective action elements, the relevant regulatory requirements, and the Inspection System Procedure code numbers under which corrective action elements will be verified.**

### Violation History

To date our records show that within the past 6 months FSIS has documented the following failure of your establishment to comply with humane slaughter and handling requirements:

- February 14, 2013, noncompliance record documenting the establishment's failure to slaughter and handle animals humanely; regarding barn pen see NR # YCA3810020614N-1
- March 18, 2013, noncompliance record documenting the establishment's failure to slaughter and handle animals humanely; regarding unstable flooring and protruding bolts in barn pens see NR # YCA2610031718N/1.
- March 26, 2013, noncompliance record documenting the establishment's failure to slaughter and handle animals humanely; regarding animals not being rendered unconscious on the first shot see NR # YCA5912034426N/1.
- March 28, 2013, noncompliance record documenting the establishment's failure to slaughter and handle animals humanely; regarding animals not being rendered unconscious on the first shot see NR # YCA1009033429N/1.
- April 04, 2013, suspension documented for the establishment's failure to slaughter and handle animals humanely.

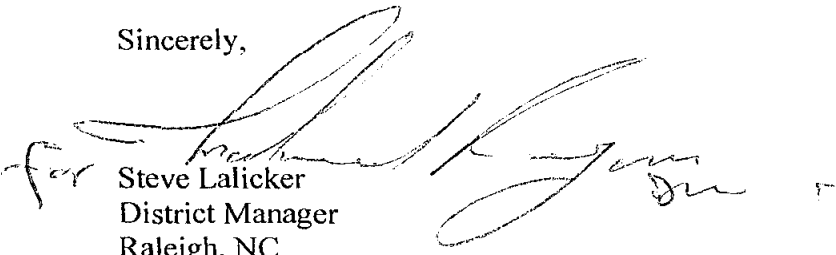
- April 12, 2013, noncompliance record documenting the establishment's failure to slaughter and handle animals humanely; regarding animals not being rendered unconscious on the first shot see NR # YCA061045315N/1.
- April 23, 2013, noncompliance record documenting the establishment's failure to slaughter and handle animals humanely; regarding animals not being rendered unconscious on the first shot see NR # YCA1421044524N/1.
- May 14, 2013, reinstated suspension documented for the establishment's failure to slaughter and handle animals humanely; regarding animals not being rendered unconscious on the first shot.
- June 11, 2013, noncompliance record documenting the establishment's failure to slaughter and handle animals humanely; regarding barn pens see NR # YCA0511062511N-1
- June 11, 2013, reinstated suspension documented for the establishment's failure to slaughter and handle animals humanely; regarding stunned animals being allowed to return to consciousness.

The above listed occurrences should serve to remind you of your establishment's noncompliance dealing with the humane handling of your livestock. Please be advised that, as a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective action to prevent Inhumane Handling of Livestock at your establishment. Your failure to comply with these requirements or to implement the measures in your action plan could result in reinstatement of the suspension of inspection at your establishment or other appropriate administrative or legal action.

In addition, in September of 2004, a Federal Register Notice was published recommending that all livestock slaughter operations develop a comprehensive humane handling program. A written program, of this nature, that includes regular documented verification checks, on all aspects of humane handling, including training, frequency of retraining, maintenance of stunning equipment, verification of stunning effectiveness, measures for inclement weather, providing access to water and feed, etc. (see FSIS Directive 6900.2 Rev. 2) is highly recommended.

If you have any questions regarding this matter, please contact me or Dr. Mahmood Ramzan, Deputy District Manager at (919) 844-8400.

Sincerely,

  
for Steve Lalicker  
District Manager  
Raleigh, NC

(b) (7)(C)

Enclosure

cc:

M. Ramzan, DDM, RDO, OFO (via email)

M. Khan, DDM, RDO, OFO (via email)

T. Bryant, DDM, RDO, OFO (via email)

(b) (7)(C) RDO, OFO (via email)

(b) (7)(C) RDO, OFO (via email)

(b) (7)(C) Est. 07975--M (via email)

(b) (7)(C) NCDA & CS MPID (via email)

(b) (7)(C) NCDA & CS, MPID (via email)

S. Safian, Director ELD, OIEA (via email)

A. Tawadrous, EARO, OFO (via email)

Quarterly Enforcement Report (via email)

District Office Establishment File (Est. # 07975--M)

**Establishment 07975--M Matkins Meat Processors, Inc.**

**Verification Plan**

Verification in this regard is defined as those activities, other than monitoring, that determine the validity of your corrective actions and that the system is operating according to the proposed plan. On June 11, 2013 Establishment 07975--M was issued a ROS for inhumane handling of livestock. Be advised, this is a reinstated suspension and this verification plan incorporates corrective actions from this and the previous suspension and is designed to verify all submitted corrective actions are effectively implemented.

<u>Establishment's action plan items</u>	<u>Regulation</u>	<u>ISP Procedure Code</u>
<p>1. The establishment's action plan states they will implement and train their employee's in their prerequisite program, Humane Handling and Slaughter Policies. Inspection personnel are to perform, a <b>one time</b>, records review to verify that corrective actions provided to the District Office are implemented. Verify program implementation and that training has been conducted and documented on the Training Log and Humane Handling and Slaughter Policy Understanding before start-up.</p>	<p>313 313.50 (c)</p>	<p>04C02</p>
<p>2. The establishment's action plan states they will use a named humane handling and slaughter lead or designee to conduct / document humane handling checks. Inspection personnel are to perform a <b>weekly</b> hands on verification to verify that corrective actions provided to the District Office are implemented. Verify lead or designee is named daily in records associated with HH checks.</p>	<p>313.15 313.16 313.50 (c)</p>	<p>04C02</p>
<p>3. The establishment's action plan states they will check holding pens and barn daily to assure animal safety and prevent injury and document on the Barn Pre-Op Checklist. Inspection personnel are to perform a <b>weekly</b> records review to verify that corrective actions provided to the District Office are implemented. Verify daily documentation on said form.</p>	<p>313.1 313.2 313.50 (c)</p>	<p>04C02</p>
<p>4. The establishment's action plan states they will check the facility areas weekly and document on the Facility Repair Log. Inspection personnel are to perform a <b>weekly</b> records review to verify that corrective actions</p>	<p>313.1 313.2 313.50 (c)</p>	<p>04C02</p>

provided to the District Office are implemented. Verify weekly documentation on said form.		
5. The establishment's action plan states they will implement forms on which to document stun effectiveness and return to consciousness for every animal stunned. Inspection personnel are to perform a <b>one time</b> verification to verify that corrective actions provided to the District Office are implemented. Verify that the forms for Slaughter Audit and Bleed Rail Audit have been implemented and are in use, additionally at least <b>twice weekly</b> conduct a records review to verify documentation on said form.	313.15 313.16 313.50 (c)	04C02
6. The establishment's action plan states they will have specific gun usage and backup gun for different animals slaughtered at the facility. Inspection personnel are to perform a <b>biweekly</b> , hands on verification to verify that corrective actions provided to the District Office are implemented. Verify use of gun with type animal.	313.15 313.16 313.50 (c)	04C02
7. Establishment's action plan states all stun equipment (guns, captive bolt) will be cleaned daily prior to use. Inspection personnel are to perform a <b>weekly</b> , hands on verification to verify that corrective actions provided to the District Office are implemented. Verify gun cleanings are documented with date, signature and at frequency stated.	313.15 313.16 313.50 (c)	04C02
8. Perform a <b>daily</b> hands-on review of several stunned animals checking for signs of consciousness.	313.15 313.16 313.50 (c)	04C02

Inspection program personnel will perform procedures (ISP procedures 04C02) to verify the adequacy and effectiveness of the establishment's Humane Handling procedures.

**The implementation and effectiveness of the establishment's corrective actions should be verified at the frequencies stated above. The In-plant Inspection Team can request through supervisory channels a change in the specified frequencies when the determination is made that the establishment has effectively implemented the corrective actions.**

This plan is designed to verify the establishment's corrective and further-planned actions presented to the Raleigh District Office are implemented and effective. Inspection personnel should add a Directed task in PHIS each day verification activities are performed; additional HH tasks during the day should fall under the routine tasks. The Inspector-In-Charge (IIC) will provide **bi-weekly** written verification updates detailing

the results of verification activities and any noncompliance identified to the Front Line Supervisor (FLS) or TA Coordinator. The FLS or TA Coordinator will ensure verification activities have been adequately performed and provide the Raleigh District Office with a **bi-weekly** written summary of the effectiveness of the establishment's corrective actions along with copies of the IIC bi-weekly reports in an email to (b) (7)(C) (b) (7)(C) and (b) (7)(C)