

COUNTY OF



PRIVATE
CRIMINAL COMPLAINT

COMMONWEALTH OF PENNSYLVANIA
VS.

Magisterial District Number:
 MDJ Name: Hon.
 Address:
 Telephone:

DEFENDANT: NAME and ADDRESS

Docket No:
 Date Filed:
 OTN:

(Fill in defendant's name and address)

(Above to be completed by court personnel)

Notice: Under Pa.R.Crim.P. 506, your complaint may require approval by the attorney for the Commonwealth before it can be accepted by the magisterial district court. If the attorney for the Commonwealth disapproves your complaint, you may petition the court of common pleas for review of the decision of the attorney for the Commonwealth.

Fill in as much information as you have.

Defendant's Race/Ethnicity		Defendant's Sex	Defendant's D.O.B.	Defendant's A.K.A. (also known as)
White	Black	Female		
Asian	Native American	Male	Defendant's Vehicle Information	
Hispanic	Unknown		Plate Number	State
			Registration Sticker (MM/YY)	

I, _____
(Name of Complainant-Please Print or Type)

do hereby state: (check appropriate box)

- 1. I accuse the above named defendant who lives at the address set forth above
 I accuse the defendant whose name is unknown to me but who is described as _____

I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have therefore designated as John Doe.

with violating the penal laws of the Commonwealth of Pennsylvania at _____
(Place-Political Subdivision)

in _____ County on or about _____

Participants were: (if there were participants, place their names here, repeating the name of the above defendant)



Defendant's Name:
Docket Number:



PRIVATE CRIMINAL COMPLAINT

2. The acts committed by the accused were:
(Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. A citation to the statute allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section and subsection of the statute or ordinance allegedly violated.)

All of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of _____ and _____
(Section) (Subsection)

of the _____
(PA Statute)

- 3. I ask that process be issued and that the defendant be required to answer the charges I have made.
- 4. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.
- 5. I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Date
_____ *Wilee J...* _____
Signature of Complainant

Office of the Attorney for the Commonwealth Approved Disapproved because _____

(Name of Attorney for Commonwealth-Please Print or Type) _____
(Signature of Attorney for Commonwealth) _____
(Date)

AND NOW, on this date _____, I certify that the complaint has been properly completed and verified.

(Magisterial District) _____
(Issuing Authority)

SEAL



BEFORE THE DISTRICT ATTORNEY OF BUCKS COUNTY, PENNSYLVANIA

IN RE PRIVATE CRIMINAL COMPLAINT OF ANIMAL PARTISAN

Private criminal complaint submitted pursuant to Pa. R. Crim. P. 506(A)
requesting criminal charges against **Kingdom Provisions**

August 13, 2024

Will Lowrey
Legal Counsel
Animal Partisan
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(804) 307-4102

I. INTRODUCTION

On behalf of Animal Partisan, I submit this correspondence in support of a citizen's criminal complaint filed pursuant to Pa. R. Crim. P. 506(A) alleging violations of Pa.C.S. § 5533(a) (animal cruelty), 34 Pa.C.S. § 2507 (restrictions on shooting), and 18 Pa.C.S. § 6504 (public nuisance) by Kingdom Provisions. Upon receipt of a citizen's complaint, the District Attorney "is required to investigate"¹ and approve or disapprove it "without unreasonable delay."²

Kingdom Provisions is a slaughterhouse operating at 5960 Durham Road, Pipersville, Pennsylvania 18947 which is in Bucks County.³ Kingdom Provisions is an active business entity registered with the Pennsylvania Department of State under Identification # 7543048.⁴ The business is operated by Ephraim Stoltzfus⁵ who appears to reside at 233 Gunhart Road, Mohnton, Pennsylvania 19540 in Berks County, Pennsylvania.

Animal Partisan is a legal advocacy organization whose mission is to end the suffering of animals in slaughterhouses, farms, and laboratories by discovering, exposing, and challenging unlawful conduct in all its forms.⁶

II. FACTS GIVING RISE TO COMPLAINT

Two of the charges requested in this complaint (animal cruelty and restrictions on shooting) stem from a recent incident of animal abuse, while the third charge (public nuisance) stems from Kingdom Provisions' pattern of conduct over the past two years.

A. Facts related to animal cruelty and restrictions on shooting charges

On July 2, 2024, a United States Department of Agriculture ("USDA") inspector monitoring slaughter at Kingdom Provisions documented an incident of inhumane handling. The incident is detailed in Appendix A, attached to this complaint.⁷

Kingdom Provisions committed a sequence of errors that caused intense and unnecessary suffering to an animal being slaughtered at the facility. According to the USDA report, Kingdom Provisions failed to render a steer insensible and failed to

¹ *In re Private Complaint of Adams*, 764 A.2d 577, 580 (Pa. Super. Ct. 2000).

² Pa. R. Crim. P. 506.

³ Kingdom Provisions, UNITED STATES DEPARTMENT OF AGRICULTURE, <https://www.fsis.usda.gov/inspection/fsis-inspected-establishments/kingdom-provisions>.

⁴ "Kingdom Provisions, PENNSYLVANIA DEPARTMENT OF STATE, <https://file.dos.pa.gov/search/business>

⁵ J. Fey, *Pipersville Meat Processor to Bring Lancaster-Style Foods to Bucks County*, BUCKSCO TODAY; <https://bucksco.today/2022/11/pipersville-meat-processor-foods/>; J. Stephens, *Legal Troubles Double for Stoltzfus and Kingdom Provisions Slaughterhouse in Pipersville*; BUCKS COUNTY BEACON; <https://buckscountybeacon.com/2024/07/legal-troubles-double-for-stoltzfus-and-kingdom-provisions-slaughterhouse-in-pipersville/>.

⁶ *Home*, ANIMAL PARTISAN, <https://www.animalpartisan.org/> (last visited Oct. 6, 2022).

⁷ Appendix A – Notice of Suspension.

secure the restraining chute in which he was being slaughtered, thus allowing the animal to escape *after his throat had been cut*. Kingdom Provisions then allowed the bleeding steer to further escape the actual building and fired a rifle at him three times while he stood outside with a severed throat before he was finally incapacitated. The USDA report describes the incident as follows:

At approximately 1145 hours on July 02, 2024, while verifying Humane Handling Activities, the Consumer Safety Inspector (CSI) observed a steer being slaughtered Kosher. The steer was positioned in the box where Ritual Cuts are performed. The steer had its neck cut while in the box. The door to the box, that establishment personnel use to roll out the unconscious animals, was open about two (2) feet on the bottom. The steer got out of the box and entered the room next to the slaughter floor. An establishment employee opened the door to the outside of the facility and let the steer out. The CSI observed the steer standing behind the building with its neck cut and bleeding. personnel then shot at the steer several times with a Establishment management caliber rifle. After the first shot, the CSI observed the steer conscious and still standing. Establishment management personnel then fired two more shots while the CSI was in a safe area behind the building. After the third shot, the CSI observed the steer lying on the ground.

Following the incident, the USDA suspended inspection at Kingdom Provisions, effectively halting operations.⁸

B. Facts related to public nuisance charge

The July 2, 2024 incident of animal abuse described above represents only one instance in a pattern of troubling occurrences that support the public nuisance claim made herein. Kingdom Provisions has been the epicenter of an extensive array of legal troubles in recent months and years. Many of these troubles were documented exhaustively in a July 2024 investigative story by the Bucks County Beacon which is only summarized here.⁹ The story—comprehensively sourced through government records—details numerous complaints by neighbors related to odor, flies, and waste along with scores of visits, inspections, and citations issued by the Pennsylvania Department of Environmental Protection (“PDEP”).¹⁰

As a result of these myriad issues, Kingdom Provisions is presently the subject of multiple lawsuits brought by local authorities. These include a complaint filed on July 9, 2024 by Plumstead Township alleging violation of the terms of a conservation

⁸ Appendix A – Notice of Suspension.

⁹ J. Stephens, *Pipersville Residents Held Hostage By Slaughterhouse Horrors*, BUCKS COUNTY BEACON, <https://buckscountybeacon.com/2024/07/pipersville-residents-held-hostage-by-slaughterhouse-horrors/>

¹⁰ *Ibid*.

easement¹¹ and a second lawsuit filed by the County of Bucks just weeks later for the alleged breach of the terms of an agricultural easement.¹²

In addition to the environmental, community, and contract problems emanating from Kingdom Provisions, the facility has been cited by the USDA for violating federal law regarding humane handling on several occasions beyond the July 2, 2024 incident described above. Other incidents include:

- On October 19, 2023, a Kingdom Provisions employee improperly stunned an animal, resulting in the animal being shackled, hoisted, and having their throat cut while fully conscious.¹³ People for the Ethical Treatment of Animals (“PETA”) filed a complaint with the Bucks County District Attorney about this incident.¹⁴
- On January 18, 2024, Kingdom Provisions forced several sheep to jump from an elevated trailer while being unloaded, resulting in sheep falling from significant distances, landing on their heads, and at least one sheep presenting with a broken leg.¹⁵
- On July 14, 2023, Kingdom Provisions failed to provide water for ten cattle awaiting slaughter.¹⁶ The USDA observed that one bucket was “empty and completely dry inside” and the other pen had no bucket whatsoever.¹⁷
- On August 25, 2023, Kingdom Provisions failed to provide water for five cows whose water bucket was “empty and the inside was completely dry” as well as numerous lambs whose water bucket was “too high for the lambs to reach the water inside.”¹⁸

Kingdom Provisions’ troubling pattern of conduct demonstrates a plain flouting of the law at the expense of its neighbors, the animals it slaughters, and the environment

¹¹ See *Plumstead Township v. Kingdom Equity Partners LLC*, Court of Common Pleas of Bucks County (No. 2024-04356) (Filed July 9, 2024).

¹² See *County of Bucks v. Kingdom Equity Partners LLC*, Court of Common Pleas of Bucks County (No. 2024-04699) (Filed July 24, 2024).

¹³ Notice of Suspension-Kingdom Provisions (Oct. 19, 2023), UNITED STATES DEPARTMENT OF AGRICULTURE, https://www.fsis.usda.gov/sites/default/files/media_file/documents/M53882-NOS-10192023.pdf

¹⁴ J. Ciavaglia, *Bucks County DA investigating cruelty allegations at Pipersville slaughterhouse*, BUCKS COUNTY COURIER TIMES, <https://www.phillyburbs.com/story/news/local/2023/11/17/pipersville-slaughterhouse-bucks-county-peta-animal-cruelty-rights-sPCA-kingdom-provisions/71618705007/>

¹⁵ Notice of Suspension-Kingdom Provisions (Jan. 18, 2024), UNITED STATES DEPARTMENT OF AGRICULTURE, https://www.fsis.usda.gov/sites/default/files/media_file/documents/NOS-M53882-01192024.pdf

¹⁶ Inspection Task Data-Datasets/Livestock Humane Handling Inspection Task (Archive), UNITED STATES DEPARTMENT OF AGRICULTURE, <https://www.fsis.usda.gov/science-data/data-sets-visualizations/inspection-task-data>

¹⁷ *Ibid.*

¹⁸ *Ibid.*

surrounding the slaughterhouse. The District Attorney must act to curb Kingdom Provisions' misconduct and should prosecute it for the violations detailed herein.

III. LEGAL ANALYSIS

A. Kingdom Provisions violated Pennsylvania's animal cruelty law by failing to render the steer insensible after cutting his throat and then repeatedly shooting him as he stood bleeding behind the slaughterhouse.

1. Kingdom Provisions' improper conduct meets all elements necessary for conviction under Pennsylvania's animal cruelty law, 18 Pa.C.S. § 5533.

Pennsylvania's animal cruelty law prohibits a wide range of conduct, including the botched slaughter and repeated shooting of the steer on July 2, 2024. Kingdom Provisions, as a business entity, should be charged with animal cruelty.

Under Pennsylvania's animal cruelty law, 18 Pa.C.S. § 5533(a), "[a] person commits an offense if the person intentionally, knowingly or recklessly illtreats, overloads, beats, abandons or abuses an animal."¹⁹ The law defines a "domestic animal" as "[a] dog, cat, equine animal, *bovine* animal, sheep, goat or porcine animal."²⁰

Kingdom Provisions' conduct on July 2, 2024 meets every element necessary for conviction. First, as a member of the bovine species, the steer treated inhumanely at Kingdom Provisions is considered a "domestic animal" under Pennsylvania law and is therefore protected by the animal cruelty statute.²¹ Nothing in the law precludes the steer from protection simply because he was destined for slaughter.

Second, the acts committed against the steer are prohibited by law. The animal cruelty statute, 18 Pa.C.S. § 5533(a), prohibits a sweeping range of misconduct, including "illtreat[ment]" and "abuse," terms with broad meanings. While these terms are undefined in the statute or case law, Merriam-Webster defines "illtreats" as "to treat cruelly or improperly"²² while the term "abuse" means "using or involving physical violence or emotional cruelty."²³ Here, according to the USDA report,²⁴ Kingdom Provisions severed the throat of the steer in a manner that failed to kill the animal or to render the animal unconscious as evidenced by the fact that he fled the slaughterhouse. Cutting the throat of an animal in a manner that leaves them conscious and suffering constitutes an act of "physical violence" that is "improper" and constitutes cruel treatment.

¹⁹ 18 Pa.C.S. § 5533(a).

²⁰ 18 Pa.C.S. § 5531 (emphasis added).

²¹ *Ibid.*

²² *Illtreats*, MERRIAM-WEBSTER ONLINE DICTIONARY (2024).

²³ *Abuse*, MERRIAM-WEBSTER ONLINE DICTIONARY (2024).

²⁴ Appendix A – Notice of Suspension.

In addition to botching the throat-cutting of the steer, Kingdom Provisions shot the helpless animal two more times unsuccessfully before a third shot finally rendered the animal unconscious. Thus, for a prolonged period—and solely because of the actions of Kingdom Provisions—the steer suffered physically and psychologically with a severed throat, multiple bullet wounds, and undeniable mental stress. Accordingly, Kingdom Provisions “illtreated” and “abused” the steer and meets the actus reus necessary for conviction.

Third, Kingdom Provisions’ conduct meets the necessary mens rea for conviction in that it acted “recklessly”:

A person acts recklessly with respect to a material element of an offense when he consciously disregards a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that, considering the nature and intent of the actor’s conduct and the circumstances known to him, its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the actor’s situation.²⁵

Thus, the question is whether Kingdom Provisions consciously disregarded a “substantial and unjustifiable” risk that its actions would cause the steer to be illtreated or abused. The facts outlined in the USDA report demonstrate undeniably that it did. The USDA report depicts a sequence of deviations from expected protocol, including (a) a botched severance of the arteries in the throat, (b) failure to properly close the door to the chute, (c) failure to restrain the steer within the building, and (d) failure to promptly render the animal unconscious with the rifle.

Kingdom Provisions’ “reckless” conduct is perhaps best evidenced by the USDA’s follow-up “Notice of Suspension Held in Abeyance” issued on July 10, 2024, just over a week after the incident.²⁶ As a threshold matter, it is important to note that Kingdom Provisions did not dispute the events documented in the USDA’s “Notice of Suspension” but merely offered “corrective actions” to ensure such an incident did not occur in the future. Accordingly, Kingdom Provisions has admitted that the events documented in the USDA “Notice of Suspension” occurred.

As documented in the July 10, 2024 “Notice of Suspension Held in Abeyance,” Kingdom Provisions informed the USDA that it would implement several actions aimed at remedying the root cause of the incident at issue here. These proposed corrective actions include (a) terminating the Rabbi who performed the botched slaughter, (b) implementing training on proper slaughter techniques, (c) creating a training log to record who has been trained in proper slaughter measures, (d) implementing steps to ensure loss of consciousness for animals being slaughtered, (e) enacting protocol to ensure the “cutting box door” is not improperly opened, and (f) implementing new

²⁵ 18 Pa.C.S. § 302

²⁶ Appendix B – Notice of Suspension Held in Abeyance.

handling methods for animals being slaughtered.²⁷ These corrective actions—proposed by Kingdom Provisions only *after* the incident of July 2, 2024—are admissions that it’s slaughter procedures and protocol were highly deficient and it had previously failed to take the appropriate measures to ensure that animals were not treated “inhumanely” during slaughter. These failures indicate that Kingdom Provisions “consciously disregarded a substantial and unjustifiable risk” that the steer would be illtreated or abused and therefore acted recklessly.

Finally, Kingdom Provisions’ conduct is punishable as a misdemeanor. Under the animal cruelty statute, any act that “causes bodily injury to the animal or places the animal at imminent risk of serious bodily injury” is punishable as a misdemeanor of the second degree.²⁸ Plainly, cutting the throat of an animal and repeatedly shooting the animal subjects that animal to bodily injury. Accordingly, Kingdom Provisions may be fined up to \$5,000.²⁹

2. Kingdom Provisions—as a business entity—may be criminally charged with animal cruelty in violation of 18 Pa.C.S. § 5533(a).

Kingdom Provisions is not immune from criminal liability simply because it is a business entity. In fact, Pennsylvania law affords several avenues to charge it with animal cruelty in contravention of 18 Pa.C.S. § 5533(a).

First, Kingdom Provisions is a “person” for purposes of 18 Pa.C.S. § 5533(a) and can be convicted as such. Kingdom Provisions is a Domestic Limited Liability Company registered with the Pennsylvania Secretary of State.³⁰ Under Pennsylvania law, the term “person” includes “a corporation, partnership, *limited liability company*, business trust, other association, government entity (other than the Commonwealth), estate, trust, foundation or natural person.”³¹ Accordingly, it can be convicted under 18 Pa.C.S. § 5533(a) which states that “[a] person commits an offense if the person intentionally, knowingly or recklessly illtreats, overloads, beats, abandons or abuses an animal.”³²

Second, Kingdom Provisions can be convicted under Pennsylvania’s corporate criminal liability statute, 18 Pa.C.S. § 307(a)(1), which states that:

A corporation may be convicted of the commission of an offense if . . . the offense is a summary offense *or the offense is defined by a statute other than this title in which a legislative purpose to impose liability on corporations plainly appears* and the conduct is performed by an agent of the corporation acting in behalf of the corporation within the scope of his office or employment, except that if the law defining the offense designates the agents for whose conduct the

²⁷ *Ibid.*

²⁸ 18 Pa.C.S. § 5533(b)(2).

²⁹ 18 Pa.C.S. § 1101(5).

³⁰ “Kingdom Provisions, PENNSYLVANIA DEPARTMENT OF STATE, <https://file.dos.pa.gov/search/business>.

³¹ 1 Pa.C.S. § 1991.

³² 18 Pa.C.S. § 5533(a).

corporation is accountable or the circumstances under which it is accountable, such provisions shall apply.³³

While the statute refers to “corporations,” it is evident that the Pennsylvania Legislature intended broad accountability for business entities and that limited liability companies such as Kingdom Provisions are also subject to the law. This is evidenced by the fact that the corporate liability statute also applies to both unincorporated associations³⁴ and partnerships.³⁵ “In order to avoid an absurd and harsh result, a court may look beyond the strict letter of the law to interpret a statute according to its reason and spirit and accomplish the object intended by the legislature.”³⁶ It would be an absurd interpretation of the statute to subject corporations, partnerships, and unincorporated associations to criminal liability but to exclude limited liability companies. Thus, limited liability companies such as Kingdom Provisions are also subject to criminal liability via the statute.

Moreover, as required by 18 Pa.C.S. § 307(a)(1), the legislative intent to impose liability for business entities like Kingdom Provisions plainly appears in 18 Pa.C.S. § 5533(a) due to the use of the word “person.” Had the legislature intended to limit liability for animal cruelty to only natural persons, it would have used the word “individual” which bears that meaning under Pennsylvania law.³⁷ By electing to use the broader term “person” as opposed to the narrower term “individual,” the legislature evinced an intent to hold business entities accountable for acts of animal cruelty.

In addition, the conduct at issue here was committed by “an agent” who was “acting in behalf” of Kingdom Provisions. The USDA “Notice of Suspension” indicates that all acts were committed by “establishment personnel” and “establishment management” while they attempted to slaughter the steer, an act that furthers the business interests of Kingdom Provisions.³⁸ Moreover, the USDA “Notice of Suspension Held in Abeyance” indicates that the botched slaughter was committed by a Rabbi who was commissioned by Kingdom Provisions “to perform slaughter of cattle,” further evincing that the throat-cutting was performed by an “agent” of Kingdom Provisions.³⁹

In sum, Kingdom Provisions is liable for animal cruelty on two separate and distinct grounds: (1) because the animal cruelty statute’s use of the term “person” encompasses liability for limited liability companies and (2) because the cruelty was committed by an “agent” acting on behalf of Kingdom Provisions.

³³ 18 Pa.C.S. § 307(a)(1) (emphasis added).

³⁴ 18 Pa.C.S. § 307(c).

³⁵ 18 Pa.C.S. § 307(f).

³⁶ *Secretary of Revenue v. John's Vending Corp.*, 453 Pa. 488, 494 (Pa. 1972).

³⁷ 1 Pa. C.S. § 1991

³⁸ Appendix A – Notice of Suspension.

³⁹ Appendix B – Notice of Suspension Held in Abeyance.

3. Kingdom Provisions cannot avail itself of the “normal agriculture operation” exemption as improperly cutting the throat of a steer, allowing the animal to escape, and then shooting him several times is not “routine” and “accepted” conduct.

Pennsylvania law contains an exemption to cruelty charges for “normal agricultural operations, however, the exemption is inapplicable here. Specifically, 18 Pa.C.S. § 5560 states that:

Sections 5532 (relating to neglect of animal), 5533 (relating to cruelty to animal), 5534 (relating to aggravated cruelty to animal), 5536 (relating to tethering of unattended dog) and 5543 (relating to animal fighting) shall not apply to activity undertaken in a normal agricultural operation.⁴⁰

The law further defines a “normal agricultural operation” as:

Normal activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market of poultry, livestock and their products in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquicultural crops and commodities.⁴¹

The precise definition of “normal agricultural operation” has been addressed twice by the Superior Court. In *Commonwealth v. Barnes*, the court found that normal means “conforming with or constituting an accepted standard, model, or pattern; natural; standard; regular.”⁴² More recently in the case of *In re Private Crim. Complaint Filed by Animal Outlook*, a case involving the abuse of cows at an industrial dairy, the court held that “[T]he exception only applies when the conduct is an accepted standard within the agricultural industry and the defendant acted in the course of business within that industry.”⁴³ The court in *Animal Outlook* further stated that:

[T]o determine whether there is adequate evidence to disprove a normal-agricultural-operations defense, we must ascertain whether the certified record contains sufficient evidence that the activities at issue fell outside the bounds of what is considered standard and accepted within the dairy farming industry. Certainly, the recommendations and guidelines of industry groups are pertinent to this inquiry to the extent that they are widely accepted or regular.⁴⁴

Thus, the question in the present matter is whether improperly cutting the throat of a steer such that the animal remained fully conscious, allowing the animal to flee the building, and then shooting him repeatedly until finally rendering him unconscious are

⁴⁰ 18 Pa.C.S. § 5560.

⁴¹ 18 Pa.C.S. § 5531.

⁴² *Commonwealth v. Barnes*, 427 Pa. Super. 326, 629 A.2d 123, 129 (Pa. Super. 1993).

⁴³ *In re Private Crim. Complaint Filed by Animal Outlook*, 271 A.3d 516, 523 (Pa. Super. 2022).

⁴⁴ *Id.* at 528.

“accepted standard[s] within the [Kosher slaughter] industry.”⁴⁵ The answer is indisputable—such abuse does not conform with “accepted standards” by any measurement used.

First, the conduct does not conform with “accepted standards” under federal law. This is evident from the fact that the USDA cited Kingdom Provisions for violating multiple provisions of federal law, specifically 9 CFR § 313.16(a)(1), 9 CFR § 313.16(a)(2), and 9 CFR § 313.16(a)(3), parts of the Federal Meat Inspection Act and Humane Methods of Slaughter Act. These regulations apply to the shooting of animals at slaughter and require that shots “produce immediate unconsciousness in the animal by a single shot,” that “the animal shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding” after the single shot, and that animals are driven with a minimum of excitement. As the steer was shot repeatedly before being rendered unconscious, Kingdom Provisions violated “accepted standards” codified in federal law and cannot avail itself to the “normal agricultural operation” exemption.

Second, the conduct is not considered “accepted” by Pennsylvania law. Pennsylvania’s Humane Slaughter Act—which is not at issue in this complaint but which provides a beacon for “accepted standards” of ritual slaughter under state law—requires that “[h]umane methods shall be used in the handling of domestic animals for slaughter and in the actual bleeding and slaughter of domestic animals.”⁴⁶ The law further declares that a “humane method of slaughter” can include “a method of ritual slaughter”, such as the Kosher slaughter at issue here.⁴⁷ The term “ritual slaughter” is then defined as “A humane method of slaughter which is in accordance with the ritual requirements of the Jewish faith or any other religious faith *whereby the domestic animal suffers a loss of consciousness by anoxia or hypoxia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.*”⁴⁸ Since the steer did not suffer a loss of consciousness by the “simultaneous and instantaneous severance of the carotid arteries,” Kingdom Provisions’ conduct did not meet the “accepted standards” codified in Pennsylvania law and the “normal agricultural operation” exemption does not apply.

Third, leading authorities on Kosher slaughter methods agree that the animal should be rendered insensible instantaneously, which did not occur here. Temple Grandin, widely considered a leading authority on “humane” slaughter, has written about Kosher slaughter and described the proper method as one in which the slaughterer “rapidly cut[s] in a single stroke the jugular vein and the carotid artery without burrowing, tearing or ripping the animal.”⁴⁹ Grandin further states that “[t]his process when done properly leads to a rapid death of the animal.”⁵⁰

⁴⁵ *Id.* at 523.

⁴⁶ 3 Pa.C.S. § 2362(a)(1).

⁴⁷ 3 Pa.C.S. § 2303.

⁴⁸ *Ibid.* (emphasis added).

⁴⁹ T. Grandin, *Religious slaughter and animal welfare: a discussion for meat scientists*, <http://www.grandin.com/ritual/kosher.slaugh.html>

⁵⁰ *Ibid.*

Other authorities on Kosher slaughter agree. For example, the American Veterinary Medical Association states that “The throat cut done during both kosher and halal slaughter simultaneously severs both carotid arteries and jugular veins and the trachea.”⁵¹ Moreover, a leading Kosher certifier states that “Kosher slaughter, shechita, involves cutting the trachea and esophagus with a sharp, flawless knife. At the same time, the carotid arteries, which are the primary supplier of blood to the brain, are severed. The profound loss of blood and the massive drop in blood pressure render the animal insensate almost immediately.”⁵² Thus, in addition to failing to conform with “accepted standards” codified in federal and state law, Kingdom Provisions’ conduct fails to conform to “accepted standards” of conduct recognized by authorities on Kosher slaughter.

Not a single authority—federal, state, or private—sanctions the type of abuse Kingdom Provisions inflicted upon the helpless steer. As such, the act is not an “accepted standard within the agricultural industry” and Kingdom Provisions cannot avail itself to the “normal agricultural operation” exemption.⁵³

4. The District Attorney is not prevented from pursuing criminal charges based on Kingdom Provisions’ status as a federally regulated slaughterhouse.

Kingdom Provisions is not immune from prosecution for animal cruelty simply because it engages in a federally regulated business. Moreover, any actions taken or not taken by the USDA have no bearing on the District Attorney’s ability to pursue criminal charges for animal cruelty.

This issue has been squarely addressed by the Supreme Court of the United States. In *National Meat Association v. Harris*, the Court considered an argument that the Federal Meat Inspection Act (“FMIA”, which incorporates the Humane Methods of Slaughter Act) preempted a California law regulating the handling of “downed” animals at slaughter.⁵⁴ The Court concluded that states may still enforce animal cruelty laws at federal slaughter establishments:

[B]ecause the FMIA's express preemption provision prevents States from imposing only “addition[al]” or “different” requirements, [] States may exact civil or *criminal penalties for animal cruelty* or other conduct that also violates the FMIA . . . Although the FMIA preempts much state law involving slaughterhouses, it thus leaves some room for the States to regulate.⁵⁵

⁵¹ AVMA Guidelines for the Humane Slaughter of Animals: 2016 Edition, AMERICAN VETERINARY MEDICAL ASSOCIATION, <https://www.avma.org/sites/default/files/resources/Humane-Slaughter-Guidelines.pdf>

⁵² *Setting The Record Straight On Kosher Slaughter*, OU KOSHER CERTIFICATION SERVICE, <https://oukosher.org/blog/news/setting-the-record-straight-on-kosher-slaughter/>.

⁵³ *Animal Outlook*, 271 A.3d at 523.

⁵⁴ *Nat'l Meat Ass'n v. Harris*, 565 U.S. 452, n.10 (2012).

⁵⁵ *Ibid.* (emphasis added).

Thus, the mere fact that Kingdom Provisions' criminal act occurred during slaughter at a federally inspected slaughterhouse and was witnessed by the USDA does not preclude the Commonwealth from enforcing its own animal cruelty law.

Moreover, the fact that the USDA may have allowed Kingdom Provisions to continue operations after it supplied a corrective action plan does not negate the criminal conduct that occurred. The Superior Court of Pennsylvania addressed an identical issue in *Animal Outlook*, criticizing the trial court for relying on training and human resource changes at an industrial dairy engaged in cruelty to decline criminal charges. There, the Superior Court stated that:

[T]he trial court, as did the PSP, made a point of noting that Martin Farms had voluntarily changed some of its practices. The fact that the farm stopped committing or allowing the arguably-criminal acts does not negate culpability for any past crimes perpetrated upon the animals. We are not considering enforcement of an administrative regulatory scheme seeking future compliance with better farming practices. We instead face proposed criminal actions vindicating laws that our legislature has deemed to be crimes against the people of this commonwealth. That remedial measures were taken here does not affect liability for prior criminal acts any more than the fact that a defendant stopped selling drugs would absolve him from prosecution for past drugs sold.⁵⁶

The District Attorney is not barred from pursuing animal cruelty laws by federal law or any mandate of the USDA. In addition, the fact that the USDA allowed Kingdom Provisions to continue to operate does not negate the criminal act that occurred and does not absolve Kingdom Provisions of accountability for animal cruelty.

B. By firing a rifle three times at the steer while the animal stood outside the slaughterhouse bleeding, Kingdom Provisions violated the Commonwealth's law regarding the discharge of firearms, 34 Pa.C.S. § 2507.

Kingdom Provisions compounded its criminal conduct by repeatedly firing a rifle at the bleeding steer as the animal stood behind the slaughterhouse. This conduct violated Pennsylvania law regulating the discharge of firearms, 34 Pa.C.S. § 2507, and should also be punished.

Pursuant to 34 Pa.C.S. § 2507 “[i]t is unlawful for any person during the open season for the taking of any big game other than turkey to . . . [d]ischarge at any time any firearm or release an arrow at random or in any other manner contrary to this section,” where “this section” deals primarily with activities involved in wildlife hunting and target shooting.⁵⁷

⁵⁶ *Animal Outlook*, 271 A.3d at 526.

⁵⁷ 34 Pa.C.S. § 2507(a)(3).

The USDA “Notice of Suspension” plainly indicates that after the steer had escaped the slaughterhouse, “Establishment management personnel” “shot at the steer several times with a [rifle].”⁵⁸ Accordingly, Kingdom Provisions fired a rifle outside the slaughterhouse not for purposes of wildlife hunting or target shooting as allowed by 34 Pa.C.S. § 2507, but for purposes of killing the escaped steer, conduct not allowed by the law.

Moreover, while 34 Pa.C.S. § 2507 contains several exemptions from its prohibitions on discharging a firearm, none apply to the conduct at issue here. The exemptions include (1) shooting to signal for aid or assistance while in distress, (2) shooting ranges, (3) discharge of muzzle-loading firearms for transportation purposes, and (4) shooting at constructed barriers on private property.⁵⁹ According to the USDA’s “Notice of Suspension,” Kingdom Provisions was firing a rifle at the steer to slaughter the animal and not for any reason protected by the exemption.

As Kingdom Provisions’ discharge of the rifle fell outside of the protected activities under 34 Pa.C.S. § 2507, it should also be charged with a fourth-degree summary offense in addition to the animal cruelty charge above⁶⁰ and fined up to \$300.⁶¹

C. Kingdom Provisions’ repeated inhumane treatment of animals, disturbance of the neighboring community, destruction of the environment, and alleged breaches of multiple easements violates Pennsylvania’s criminal nuisance statute, 18 Pa.C.S. § 6504.

Kingdom Provisions’ broader pattern of misconduct constitutes a public nuisance which should be prosecuted criminally by the District Attorney. Pennsylvania’s criminal nuisance statute states:

Whoever erects, sets up, establishes, maintains, keeps or continues, or causes to be erected, set up, established, maintained, kept or continued, any public or common nuisance is guilty of a misdemeanor of the second degree. Where the nuisance is in existence at the time of the conviction and sentence, the court, in its discretion, may direct either the defendant or the sheriff of the county at the expense of the defendant to abate the same.⁶²

The contours of a public nuisance as relevant to this matter can be defined by reference to two cases. First, under Pennsylvania law, the violation of criminal laws—such as the animal cruelty statute and the discharge of a firearm statutes here—can serve as the predicate for a public nuisance. In *Pennsylvania Soc. for Prevention of Cruelty to Animals v. Bravo Enterprises, Inc.*, the Supreme Court of Pennsylvania considered whether criminal animal cruelty associated with a planned bullfighting event constituted

⁵⁸ Appendix A – Notice of Suspension.

⁵⁹ *Id.* at (b)(1-4).

⁶⁰ *Id.* at (c).

⁶¹ 18 Pa.C.S. § 1101(7).

⁶² 18 Pa.C.S. § 6504.

a public nuisance and found that it did, finding the SPCA's argument—detailed below—persuasive:

The legislature has specifically granted to the court below the power and jurisdiction of a court of chancery relating to "the prevention or restraint of the commission or continuance of acts contrary to law and prejudicial to the interests of the community or the rights of individuals." Act of June 16, 1836, P. L. 784 § 13, 17 P.S. § 282. A legislative proscription, such as that found in the cruelty to animals statute, is declarative of the public policy and is tantamount to calling the proscribed matter prejudicial to the interests of the public. Injury to the public is the essence of a public nuisance. Therefore, Bravo's activities are properly enjoined as being contrary to law and prejudicial to the interests of the public.⁶³

Second, the case of *Commonwealth v. Scatena*, which involves the owner of an automotive service who "discharged hundreds of thousands of gallons of untreated industrial and chemical wastes into a borehole on the Highway Auto Service premises,"⁶⁴ affirms that environmental misconduct can form the groups for a criminal public nuisance. In *Scatena*, the owner was convicted of public nuisance pursuant to 18 Pa.C.S. § 6504—the same statute at issue here—among other charges.

Here, Kingdom Provisions' misconduct includes both animal cruelty as well as environmental misconduct. But Kingdom Provisions goes further and disrupts the neighboring community and allegedly breaches multiple easements intended to control its operation. In sum, these acts form more than a sufficient basis for a criminal public nuisance charge.

As discussed above, Kingdom Provisions has been repeatedly cited by the USDA for violation of humane handling laws. In the past year, incidents of abuse or neglect have included the botched slaughter of a steer that forms the basis of the cruelty allegation above, a second botched slaughter in which a fully conscious animal was stabbed in the throat while shackled upside down, forcing sheep to jump from significant heights leading to substantial injuries, and failing to provide water for animals destined for slaughter.

In addition to its abuse of animals, Kingdom Provisions has disposed of waste and misused its property such that the neighboring community has been disrupted. This misconduct has led to repeated citations by the PDEP as well as multiple lawsuits. Citing government records, the Bucks County Beacon investigative story describes "slaughterhouse remnants including heads, entrails, and even the lower half of an entire animal only partially covered in a dumpster" and "dead fish, due to slaughterhouse

⁶³ *Pennsylvania Soc. for Prevention of Cruelty to Animals v. Bravo Enterprises, Inc.*, 428 Pa. 350, 360 (Pa. 1968).

⁶⁴ *Commonwealth v. Scatena*, 508 Pa. 512 (Pa. 1985).

liquids draining into a stream,” found among other horrors on the property of Kingdom Provisions.⁶⁵

The following images of carcasses and body parts strewn haphazardly around Kingdom Provisions appear in reports from the PEDP which are included as appendices with this complaint:⁶⁶



⁶⁵ J. Stephens, *Pipersville Residents Held Hostage By Slaughterhouse Horrors*, BUCKS COUNTY BEACON, <https://buckscountybeacon.com/2024/07/pipersville-residents-held-hostage-by-slaughterhouse-horrors/>

⁶⁶ Appendix C – DEP Report – 05082024; Appendix D – DEP Report – 07312023.





The various lawsuits pending against Kingdom Provisions add context to these gruesome images. The Plumstead Township lawsuit—which includes a civil claim for public nuisance—describes “odor complaints related to composting of the remains of animals slaughtered by Kingdom Provisions” and alleges that the businesses’ practices “amounted to disposing of animal remains, entrails, and blood in a field without cover and allowing them to rot and decompose.”⁶⁷ The complaint goes on to further describe repeated and futile efforts by the PDEP to obtain compliance with state law.⁶⁸ The Bucks County lawsuit describes Kingdom Provisions violation of an agricultural easement through “releasing blood and depositing food processing residuals” on the property.⁶⁹ The aggregate of Kingdom Provisions’ misconduct—including animal abuse, environmental degradation, community disruption, and alleged breaches of contract—constitutes a criminal public nuisance punishable as a misdemeanor of the second degree and a fine of up to \$5,000.⁷⁰

⁶⁷ See *Plumstead Township v. Kingdom Equity Partners LLC*, Court of Common Pleas of Bucks County, P12-13 (No. 2024-04356) (Filed July 9, 2024).

⁶⁸ *Id.* at P15-23.

⁶⁹ See *County of Bucks v. Kingdom Equity Partners LLC*, Court of Common Pleas of Bucks County, P30 (No. 2024-04699) (Filed July 24, 2024).

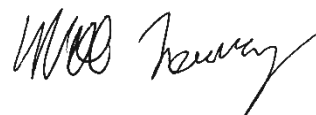
⁷⁰ 18 Pa.C.S. § 1101(5).

Lastly, Pennsylvania's "Right to Farm"⁷¹ law does not apply in the present matter. As relevant here, the law provides that "No nuisance action shall be brought against an agricultural operation which has *lawfully been in operation* for one year or more prior to the date of bringing such action, where the conditions or circumstances complained of as constituting the basis for the nuisance action have existed substantially unchanged since the established date of operation and are *normal agricultural operations*. . ."⁷². As discussed throughout this complaint, Kingdom Provisions has not been "lawfully in operation." The business has been repeatedly cited by both the USDA for inhumane handling of animals as well as the PDEP for violation of environmental laws. Moreover, Kingdom Provisions is also the subject of two civil lawsuits alleging breach of easements. The "Right to Farm" law does not shield agricultural operations operating unlawfully such as is the case with Kingdom Provisions.

III. CONCLUSION

Kingdom Provisions subjected a steer to unimaginable suffering in its final moments by cutting the animal's throat and then shooting him repeatedly while he fled for his life, bleeding from an open knife wound. This is far from the first time that Kingdom Provisions has been found to have treated animals inhumanely. The Bucks County District Attorney must hold Kingdom Provisions accountable for this mistreatment by charging it with animal cruelty and improper discharge of a firearm.

Moreover, the District Attorney should bring the criminal public nuisance statute to bear against Kingdom Provisions to address the business' repeated abuse of animals, disruption of the neighboring community, and destruction of the surrounding environment. We urge the District Attorney to prosecute Kingdom Provisions on all three charges laid out in this complaint and seek the maximum fine of \$10,300. If you have any questions or require further information, please contact me at wlowrey@animalpartisan.org or (804) 307-4102.



Will Lowrey
Legal Counsel
Animal Partisan
wlowrey@animalpartisan.org
(804) 307-4102

⁷¹ 3 Pa. Stat. § 954.

⁷² *Id.*

APPENDIX A



Electronically Submitted on July 02, 2024
FedEx Tracking: 7771 8086 1975

July 02, 2024

Mr. Ephraim Stoltzfus, President
Kingdom Provisions, LLC (Est. M53882)
5960 Durham Road
Pipersville, Pennsylvania 18947
(b) (6) @gmail.com
(b) (6) @yahoo.com
kingdomprovisions22@gmail.com
(267) 914-7430

NOTICE OF SUSPENSION

Attention: Mr. Ephraim Stoltzfus, President

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our decision to withhold the federal marks of inspection and suspend the assignment of Inspection Program Personnel (IPP) at **Kingdom Provisions, LLC**, Est. M53882, located at 5960 Durham Road, Pipersville, Pennsylvania 18947. This letter follows verbal notification of the suspension action, provided by Mr. Joseph Schein, Deputy District Manager (DDM) to Mr. Ephraim Stoltzfus, President, at approximately 1300 hours on July 02, 2024. This action includes your Slaughter Hazard Analysis Critical Control Point (HACCP) processes employed at your establishment.

The decision to institute this enforcement action is in accordance with Title 9 of the Code of Federal Regulations (CFR), Rules of Practice 500.3(b), based on the determination that your establishment did not handle or slaughter animals humanely. The evidence demonstrates failure to comply with the Federal Meat Inspection Act (FMIA) (21 U.S.C. 603), the Humane Methods of Slaughter Act (HMSA) (7 U.S.C. 1901 *et seq.*), and the regulatory requirements (9 CFR Part 313).

Background/Authority

The FMIA (21 USC 601 *et seq.*) provides it is essential to the public interest that the health and welfare of consumers be protected, by assuring meat products distributed to them are wholesome, not adulterated, and properly marked, and labeled. The Act gives FSIS the authority, as designated by the Secretary of Agriculture, to prescribe rules and regulations describing sanitation requirements for inspected establishments and provide FSIS program personnel the authority to refuse to allow meat/meat food products to be marked, labeled,

stamped, or tagged as *inspected and passed*, to prevent the entry of adulterated products into commerce. 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.

The HMSA provides that Congress finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce. It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

Under the authority of the Acts, FSIS has prescribed rules and regulations required for establishments slaughtering and handling livestock, as required by 9 CFR Part 313. 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. Specifically, 9 CFR 500.3(b) states that FSIS may impose a suspension without providing prior notification due to handling or slaughtering of animals inhumanely.

Findings/Basis for Action

At approximately 1145 hours on July 02, 2024, while verifying Humane Handling Activities, the Consumer Safety Inspector (CSI) observed a steer being slaughtered Kosher. The steer was positioned in the box where Ritual Cuts are performed. The steer had its neck cut while in the box. The door to the box, that establishment personnel use to roll out the unconscious animals, was open about two (2) feet on the bottom. The steer got out of the box and entered the room next to the slaughter floor. An establishment employee opened the door to the outside of the facility and let the steer out. The CSI observed the steer standing behind the building with its neck cut and bleeding. Establishment management personnel then shot at the steer several times with a (b) (4) caliber rifle. After the first shot, the CSI observed the steer conscious and still standing. Establishment management personnel then fired two more shots while the CSI was in a safe area behind the building. After the third shot, the CSI observed the steer lying on the ground. The Knocking Box and Chute were rejected with U.S. Reject tag B-45999668. This is noncompliant with the regulatory requirements of 9 CFR 313.16(a)(1); 313.16(a)(2); and 313.16(a)(3).

The Philadelphia District Office was notified and issued a Notice of Suspension (NOS) for humane handling. This establishment does not operate under a robust humane handling plan. The establishment experienced two humane handling enforcement actions (NOS) that were recently closed with Letters of Warning (LOW).

Summary and Conclusion

Provisions of the FMIA outline FSIS' ability to refuse to render inspection and indefinitely withdraw inspection from an establishment, provided the establishment is afforded the right to an administrative hearing, when conditions exist where the slaughter and/or handling of livestock was not by a method in accordance with the Act(s). Evidence demonstrates your failure to meet regulatory requirements addressed in 9 CFR 313.16(a)(1); 313.16(a)(2); and 313.16(a)(3), constituting a violation of the humane slaughter requirements, and supporting the conclusion that your handling of livestock violated the provisions of the FMIA and HMSA.

Please provide a written response, inclusive of written corrective action and preventative measures, by addressing the following:

- Evaluate and identify the nature, cause of the incident.
- Describe the specific actions taken to eliminate the cause of the incident and prevent future recurrences.
- Describe specific monitoring activities planned to ensure future compliance.
- Provide any supporting documentation and records maintained and/or associated with the proposed corrective actions and preventative measures.

A determination of further administrative action will be made upon receipt and review of your submitted corrective actions and preventative measures. You are reminded that, as an operator of a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent the production of or adulterated products at your establishment. Please be advised that your failure to respond adequately to these issues may result in our initiating action to withdraw inspection from your establishment.

Appeal and Hearing Rights

You have the right to appeal this matter and can do so by contacting:

Melissa Moore
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Avenue, SW
SB, Room 1222
Washington, DC 20250
Email: melissa.moore1@usda.gov
Phone: (202) 450-0330

Pursuant to 9 CFR 500.5(d), you may also request a hearing regarding this determination. Should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing. If you wish to request a hearing regarding this determination, please contact:

Dr. Ashley Etue, Acting Director
Enforcement Operations Staff (EOS)
Office of Investigation, Enforcement and Audit (OIEA)
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
Facsimile: (202) 245-5097
E-mail: AEBCorrespondence@usda.gov

If you have any questions regarding this matter, please feel free to contact Mr. Joseph Schein, DDM, via electronic mail at joseph.schein@usda.gov or by telephone at (267) 807-7539. Additionally, you can contact the Philadelphia District Office at (800) 637-6681.

Sincerely,

JOSEPH SCHEIN

Digitally signed by JOSEPH
SCHEIN
Date: 2024.07.02 16:03:10 -04'00'

Mr. George Slobodjian
Acting District Manager

CC:

Ms. Melissa Moore, EARO, FSIS, OFO, Washington D.C.

Mr. Joseph Priore, RD, FSIS, OIEA, Northeast Region

Mr. Joseph Schein, DDM, FSIS, OFO, Philadelphia District Office

Mr. George Slobodjian, DDM (Acting DM), FSIS, OFO, Philadelphia District Office

(b) (6) FLS (Acting DDM), FSIS, OFO, Philadelphia District Office

(b) (6) DCS, FSIS, OFO, Philadelphia District Office

(b) (6) SEIAO, FSIS, OFO, Philadelphia District Office

(b) (6) DVMS, FSIS, OFO, Philadelphia District

(b) (6) DVMS, FSIS, OFO, Philadelphia District

(b) (6) FLS, FSIS, OFO, Philadelphia District

(b) (6) CSI, FSIS, OFO, Philadelphia District

FSIS - FO/Quarterly Enforcement Report

Official Files Establishment Folder – Est. 53882

APPENDIX B



Electronically Submitted on July 10, 2024
FedEx Tracking: 7773 2039 8317

July 10, 2024

Mr. Ephraim Stoltzfus, President
Kingdom Provisions, LLC (Est. M53882)
5960 Durham Road
Pipersville, Pennsylvania 18947
(b) (6) @gmail.com
(b) (6) @yahoo.com
kingdomprovisions22@gmail.com
Phone: (215) 206-2120

NOTICE OF SUSPENSION Held in Abeyance

Attention: Mr. Ephraim Stoltzfus, President

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our decision to place the suspension action at Kingdom Provisions, Establishment M53882, located at 5960 Durham Road, Pipersville, Pennsylvania 18947 in abeyance. Inspected slaughter operations to resume on July 11, 2024.

This letter follows verbal notification of the abeyance action, provided by Mr. Joseph Schein, Deputy District Manager (DDM) to Mr. Ephraim Stoltzfus, President, at approximately 1130 hours on Wednesday, July 10, 2024.

The decision to institute the abeyance was made in accordance with the Rules of Practice, Title 9 of the Code of Federal Regulations (9 CFR) Part 500.5 part (e).

In response to the Notice of Suspension (NOS), you submitted initial, proposed corrective actions and preventative measures on July 3, 2024. FSIS submitted multiple requests for further clarification to those responses, to which you provided additional information (twice on July 8, 2024).

Your corrective and preventative measures include but are not limited to:

1. The individual Rabbi involved in the incident on July 3, 2024, will not return to Kingdom Provisions to perform slaughter of cattle.
2. Providing a training protocol for the establishment employees in cattle handling and slaughter that has been approved by FSIS.
3. Providing a training log, that includes the training material(s) used during Kosher cattle slaughter including information on who can open the cutting box door, the date(s) of the training and the name of the trainer. This log included the printed

names and signatures of the employees who have been trained. Additionally, two (2) separate attestation logs ensuring and verifying that employees (b) (6) and (b) (6) received training on the halal/kosher slaughter requirements and understand the procedures and requirements for performing ritual slaughter without stunning. They are aware of the proper use of the neck restraint and head holder and commit to following the protocol as outlined. They understand the monitoring activities and their role in ensuring compliance and animal welfare.

4. The establishment will train new employees in the protocols listed for Kosher cattle slaughter and provide this information to FSIS prior to new employees handling or managing any cattle. Only (b) (6) and (b) (6) are currently trained.
5. Only (b) (6) or (b) (6) are certified /responsible to open the cattle cutting box door. The person responsible for opening the door will visually confirm the signs (of unconsciousness) for every Kosher-cut beef:
 - a) The kill box door will only be opened once the animal shows definitive signs of unconsciousness. These are: the beef collapses/falls after ritual cut, has no eye tracking/reactions to surroundings, has no righting reflex/is not standing intentionally, has floppy ears, head, and neck, has a limp tail, and there is no vocalization.
6. A copy of the *90-days Conscious/Unconscious Monitoring Log*.
 - a) Twice daily for the next 90 days, Manager (b) (6) will monitor and verify the signs of unconsciousness in Kosher cut beef animals' post-slaughter. Results will be documented in this log. If additional personnel are involved, their names and responsibilities will be listed.
7. During Kosher slaughter of cattle, the following protocol was provided:
 - a) Given that stunning is not allowed in halal/kosher slaughter operations, the following protocol will ensure compliance with religious guidelines while maintaining animal welfare standards:

i. Animal Restraint and Handling: (b) (4)

ii. (b) (4)

iii. (b) (4)

FSIS has carefully reviewed your responses and made the decision to place the NOS in abeyance. FSIS has designed a Verification Plan (VP), and Inspection Program Personnel (IPP) will use it to monitor and verify that you have effectively implemented your proposed

actions. The VP identifies your corrective actions based on your responses, the relevant regulatory requirements, the tasks IPP will use to conduct verification activities, and the time frames that you identified. IPP will continue to ensure all humane handling/stunning regulatory requirements of 9 CFR Part 313 are in regulatory compliance. We have attached a copy of the VP to assist you as a reference during the Agency's verification activities.

A final decision relative to this enforcement action will be determined based on your establishment's ability to execute and comply with your proffered corrective actions and all applicable regulatory requirements. Your establishment's failure to meet the conditions of this abeyance may result in additional regulatory and/or administrative actions in accordance with the Rules of Practice 9 CFR Part 500

If you have any questions regarding this matter, please feel free to contact Mr. Joseph Schein, DDM, via electronic mail at joseph.schein@usda.gov or by telephone at (267) 807-7539. Additionally, you can contact the Philadelphia District Office at (800) 637-6681.

Sincerely,

**JOSEPH
SCHEIN**

Digitally signed by
JOSEPH SCHEIN
Date: 2024.07.10
14:39:59 -04'00'

Mr. George Slobodjian
Acting District Manager

Enclosure: FSIS Verification Plan for Kingdom Provisions (Est. M53882)

**Kingdom Provisions (EST M53882) Verification Plan
July 11, 2024**

ESTABLISHMENT ACTION PLAN	9 CFR REGULATION	HUMANE HANDLING VERIFICATION CATEGORY	FREQUENCY
<p>1.The individual Rabbi involved in the incident on July 3, 2024, does not return to Kingdom Provisions to perform Kosher slaughter of cattle. Establishment management maintains a document from Shmuly's Fine Cuts attesting to the above.</p>	<p>313.16(a)(1); 313.16(a)(2); and 313.16(a)(3)</p>	<p>Category VIII and Category IX</p>	<p>1.Upon implementation, July 11, 2024, and each Kosher beef slaughter day during the abeyance period.</p>
<p>2. Establishment management provided a training protocol for their employees in cattle handling and slaughter that has been approved by FSIS.</p>	<p>313.16(a)(1); 313.16(a)(2); and 313.16(a)(3)</p>	<p>Category VIII and Category IX</p>	<p>2.Upon implementation, July 11, 2024, and this protocol is used during the abeyance period.</p>
<p>3.Establishment management maintains the training log, that includes the training material(s) used during Kosher cattle slaughter including information on who can open the cutting box door, the date(s) of the training and the name of the trainer. This log includes the printed names and signatures of the employees who have been trained. The log will be available for IPP review upon request.</p> <p>3A. Establishment management maintains two (2) separate attestation logs ensuring and verifying that employees ((b) (6) and (b) (6)) received training on the halal/kosher slaughter requirements and understand the procedures and requirements for performing ritual slaughter without stunning. They are aware of the proper use of the neck restraint and head holder and commit to following the protocol. They understand the monitoring activities and their role in ensuring compliance and animal welfare. These logs will be available for IPP review upon request.</p>	<p>313.16(a)(1); 313.16(a)(2); and 313.16(a)(3)</p>	<p>Category VIII and Category IX</p>	<p>3. Upon implementation, July 11, 2024, and for each day in which Kosher cattle handling is required.</p> <p>3A. Upon implementation, July 11, 2024, and each day of Kosher beef slaughter during the abeyance period.</p>

<p>4. The establishment will train new employees in the protocols listed for Kosher cattle slaughter and provide this information to FSIS before the new employees handle or manage any cattle. Only (b) (6) and (b) (6) are currently trained.</p>	<p>313.16(a)(1); 313.16(a)(2); and 313.16(a)(3)</p>	<p>Category VIII and Category IX</p>	<p>4. Upon implementation, July 11, 2024, and any time new employees are hired to handle cattle.</p>
<p>5. Only (b) (6) or (b) (6) (b) (6) are certified to open the cattle cutting box door. The person responsible for opening the door will visually confirm these signs for <u>every</u> Kosher-cut beef:</p> <p>b) The kill box door will only be opened once the animal shows definitive signs of unconsciousness. These are: the beef collapses/falls after ritual cut, has no eye tracking/reactions to surroundings, has no righting reflex/is not standing intentionally, has floppy ears, head, and neck, has a limp tail, and there is no vocalization.</p>	<p>313.16(a)(1); 313.16(a)(2); and 313.16(a)(3)</p>	<p>Category VIII and Category IX</p>	<p>5. Upon implementation, July 11, 2024, and each Kosher beef slaughter day during the abeyance period.</p>
<p>6. The establishment maintains the <i>90-days Conscious/Unconscious Monitoring Log</i>. The log(s) will be available for IPP review upon request.,</p> <p>6A. <u>Twice daily</u> for the next 90 days (or the duration of abeyance), Manager (b) (6) (b) (6) will monitor and verify the signs of unconsciousness in Kosher cut beef animals post-slaughter in this log. If additional personnel are involved, their names and responsibilities will be listed.</p>	<p>313.16(a)(1); 313.16(a)(2); and 313.16(a)(3)</p>	<p>Category VIII and Category IX</p>	<p>6. Upon implementation, July 11, 2024.</p> <p>6A. Upon implementation, July 11, 2024, and each Kosher beef slaughter day during the abeyance period.</p>
<p>7. Establishment personnel adhere to the following protocol during halal/kosher beef slaughter:</p>	<p>313.16(a)(1); 313.16(a)(2); 313.16(a)(3)</p>	<p>Category VIII and Category IX</p>	<p>7. Upon implementation, July 11, 2024, and each Kosher beef</p>

<p>* Given that stunning is not allowed in halal/kosher slaughter operations, the following protocol will ensure compliance with religious guidelines while maintaining animal welfare standards:</p> <p>i. Animal Restraint and Handling: (b) (4)</p> <p>(b) (4)</p> <p>ii. (b) (4)</p> <p>iii. (b) (4)</p>			<p>cattle slaughtered during the abeyance period.</p>

Humane handling verification every slaughter operation day to verify the adequacy and effectiveness of the establishment's compliance with the humane handling regulatory requirements of 9 CFR Part 313.

***Inspection Program Personnel will review all monitoring, verification, and corrective action records to verify procedures are being conducted as prescribed and at the specified frequency.**

Cc

Ms. Melissa Moore, EARO, FSIS, OFO, Washington D.C.

Mr. Joseph Priore, RD, FSIS, OIEA, Northeast Region

Mr. Joseph Schein, DDM, FSIS, OFO, Philadelphia District Office

Mr. George Slobodjian, DDM, FSIS, OFO, Philadelphia District Office

Dr. Beth Lehman, (acting DDM) FLS, FSIS, OFO, Philadelphia District Office

(b) (6) DCS, FSIS, OFO, Philadelphia District Office

(b) (6) , SEIAO, FSIS, OFO, Philadelphia District Office

(b) (6) , DVMS, FSIS, OFO, Philadelphia District

(b) (6) , DVMS, FSIS, OFO, Philadelphia District

(b) (6) , FLS, FSIS, OFO, Philadelphia District

(b) (6) CSI, FSIS, OFO, Philadelphia District

Official Files Establishment Folder – Est. 53882

FSIS - FO/Quarterly Enforcement Report

APPENDIX C

Date(s) of Inspection: **5/8/24** TV PA
 SM GP
 NM MEGA

Permit #(s): _____ Expiration Date: _____

Case #: _____ PF ID #: **868000**

Company Name: **Kingdom Provisions** Municipality: **Plumstead Twp** County: **Bucks**

Plant Name: **Kingdom Provisions** Physical Location: **Same as below** Federal ID — Plant Code #: _____

Responsible Official: **Ephraim Stoltzfus** Mailing Address: **5960 Durham Rd.**

Title: **Owner** **Pipersville, PA 18947**

Phone #(s): **267-914-7430**

Mark (X) All Inspection Types That Apply To This Inspection:

- | | | |
|-----------------------------------------------------------|------------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> Full Compliance Evaluation (FCE) | <input type="checkbox"/> Plan Approval Inspection | <input type="checkbox"/> File Review (FR) |
| <input type="checkbox"/> Operating Permit Inspection (PI) | <input type="checkbox"/> Initial Permit Inspection (IPI) | <input checked="" type="checkbox"/> Complaint Inspection (CI) |
| <input type="checkbox"/> Routine/Partial (RTPT) | <input type="checkbox"/> Follow-Up Inspection (Ref. Date: _____) | <input type="checkbox"/> Sample Collection (SC) |
| <input type="checkbox"/> Minor Source(s) Inspection (RFD) | <input type="checkbox"/> Stack Test Observation | <input type="checkbox"/> Multi-Media Inspection (MM) |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Announced | |

Annual Compliance Certification Received: YES NO N/A Date Received: _____

AIMS Report Received: YES NO N/A Date Received: _____

Mark (X) All Activities That Apply:

- | | | |
|-----------------------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> File Review | <input checked="" type="checkbox"/> Pre-Inspection Briefing | <input checked="" type="checkbox"/> Exit Interview/Briefing |
| <input checked="" type="checkbox"/> Pre-Inspection Observations | <input type="checkbox"/> Check For New/Unreported Sources | <input type="checkbox"/> Sample(s) Collected |
| <input type="checkbox"/> Visible Emissions Observations | <input type="checkbox"/> Verify Operation of CEMS | <input type="checkbox"/> Other |

Comments/Recommendations: Enforcement since last FCE Yes No (If yes, attach summary)

I arrived on site at 2:35 PM to conduct an odor complaint inspection. Prior to arriving on site, I noted decomposing odors and occasional burning hair odors along Durham road and at a complainant's property. The odors were strong at times and came and went with the wind consistently for the 30 minutes that I was there. Winds were W at 11 mph and it was mostly sunny and 81°F. I noted the same odors upon arriving at the facility. I met with Ephraim Stoltzfus who said that the odors were due to the ~~house~~ heads not being picked up when they were supposed to from Holley at 6:00 AM this morning. I walked to

Compliance Status: In Out Pending Awaiting Co. Report Needs a Follow-Up Inspection? Yes No

Company Representative: **Ephraim Stoltzfus** Title: **Owner** Signature: _____ Date: **5/8/24**

DEP Representative: **Jennifer Ramos-Buschman** Title: **AO Specialist** Signature: _____ Date/Time: **5/8/24**

This document is official notification that a representative of the Department of Environmental Protection, Air Quality Program, inspected the identified site. The findings of this inspection are shown above and on any attached pages, and may include violations uncovered during the inspection. Violations may also be discovered upon review of sample results or from any additional review of Department records. Notification will be forthcoming, if such violations are noted.



INSPECTION REPORT

Continued

Commonwealth of Pennsylvania
Department of Environmental Protection
Air Quality Program

the back of the facility and saw two trash bins with fat in them which were covered with plastic; I did not note odors from them. I noted very strong objectionable odors coming from the dumpsters full of heads and there were numerous flies in that area. There were also trash bins with remains in them and some remains on the ground. I then walked to the compost pile. I noted rendering odors from cow stomachs that had recently been put on the pile and were not yet covered; Mr. Stoltzfus stated they would be covered shortly with wood chips along with any remaining rendering from the day. At 2:55, the Holley dump truck came and picked up the two dumpsters and odors appeared to improve.

Company -- plant name:

Kingdom Provisions

Initials of representative interviewed:

E.Z.S

Date:

5-8-24

Page 2 of 2

Reviewed By _____

White - Site

Yellow - District Office

Pink - Regional Office



Photo 1 – Trash bins filled with fat covered in plastic
Taken by Jennifer Ramos-Buschmann on 5/8/24, 2:41 PM



Photo 2 – Dumpster filled with heads and other animal remains
Taken by Jennifer Ramos-Buschmann on 5/8/24, 2:42 PM



Photo 3 – Close-up of dumpster filled with heads and other animal remains
Taken by Jennifer Ramos-Buschmann on 5/8/24, 2:42 PM



Photo 4 – Trash bins filled with animal remains and trash with numerous flies and maggots
Taken by Jennifer Ramos-Buschmann on 5/8/24, 2:42 PM



Photos 5 and 6 – Animal remains on ground near dumpsters and trash bins
Taken by Jennifer Ramos-Buschmann on 5/8/24, 2:42 PM and 2:43 PM



Photo 7 – Second dumpster filled with animal remains, wood chips, and trash
Taken by Jennifer Ramos-Buschmann on 5/8/24, 2:43 PM



Photos 8, 9, and 10 – Animal remains on ground along pathway to compost pile
Taken by Jennifer Ramos-Buschmann on 5/8/24, 2:43 PM, 2:45 PM, and 2:45 PM



Photo 11 – Uncovered cow stomachs on compost pile
Taken by Jennifer Ramos-Buschmann on 5/8/24, 2:48 PM



Photo 12 – Close-up of uncovered cow stomachs on compost pile
Taken by Jennifer Ramos-Buschmann on 5/8/24, 2:48 PM



Photo 13 – Mostly covered portion of compost pile
Taken by Jennifer Ramos-Buschmann on 5/8/24, 2:49 PM



Photo 14 – Pools of blood and water on side of compost pile
Taken by Jennifer Ramos-Buschmann on 5/8/24, 2:50 PM



Photo 15 – Front end loader carrying animal remains to compost pile
Taken by Jennifer Ramos-Buschmann on 5/8/24, 2:56 PM



Photo 16 – Trash bin filled with animal remains and animal remains on ground near chutes
Taken by Jennifer Ramos-Buschmann on 5/8/24, 2:56 PM



Photo 17 – Holley dump/trash truck picking up the contents of the two dumpsters
Taken by Jennifer Ramos-Buschmann on 5/8/24, 2:58 PM

APPENDIX D

Date(s) of Inspection: 7/31/23	TV <input type="checkbox"/> SM <input type="checkbox"/> NM <input type="checkbox"/>	PA <input type="checkbox"/> GP <input type="checkbox"/> MEGA <input type="checkbox"/>	Permit #(s): _____	Expiration Date: _____	Case #: _____	PF ID #: 868000
Company Name: Kingdom Provisions			Municipality: Plumstead Twp		County: Bucks	
Plant Name: Same as above			Physical Location: Same as below		Federal ID — Plant Code #:	
Responsible Official: Brent Pressley				Mailing Address: 5960 Durham Rd. Pipersville, PA 18947		
Title: Plant Manager						
Phone #(s): 215-767-8943						

Mark (X) All Inspection Types That Apply To This Inspection:

<input type="checkbox"/> Full Compliance Evaluation (FCE)	<input type="checkbox"/> Plan Approval Inspection	<input type="checkbox"/> File Review (FR)
<input type="checkbox"/> Operating Permit Inspection (PI)	<input type="checkbox"/> Initial Permit Inspection (IPI)	<input checked="" type="checkbox"/> Complaint Inspection (CI)
<input type="checkbox"/> Routine/Partial (RTPT)	<input type="checkbox"/> Follow-Up Inspection (Ref. Date: _____)	<input type="checkbox"/> Sample Collection (SC)
<input type="checkbox"/> Minor Source(s) Inspection (RFD)	<input type="checkbox"/> Stack Test Observation	<input type="checkbox"/> Multi-Media Inspection (MM)
<input type="checkbox"/> Other:	<input type="checkbox"/> Announced	

Annual Compliance Certification Received: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	Date Received:
AIMS Report Received: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	Date Received:

Mark (X) All Activities That Apply:

<input type="checkbox"/> File Review	<input checked="" type="checkbox"/> Pre-Inspection Briefing	<input checked="" type="checkbox"/> Exit Interview/Briefing
<input checked="" type="checkbox"/> Pre-Inspection Observations	<input type="checkbox"/> Check For New/Unreported Sources	<input type="checkbox"/> Sample(s) Collected
<input type="checkbox"/> Visible Emissions Observations	<input type="checkbox"/> Verify Operation of CEMS	<input type="checkbox"/> Other

Comments/Recommendations: Enforcement since last FCE Yes No (If yes, attach summary)
 Molly Goodman and I arrived on site at 12:00 PM to conduct an odor complaint inspection. Prior to arriving on site, I noted fleeting rendering type odors along Durham Rd. The odors were strong at times. We met with Amber Pressley who showed us to the compost pile and rendering bin storage area. We noted open and partially closed rendering bins filled with animal remains/skins, animal remains on the ground near the bins, and animal remains/bones in the bin of a front end loader. Ms. Pressley stated that the lids were previously closed, but the inner organs expand in the heat and caused the lids to open. Ms. Pressley also stated that

Compliance Status: <input type="checkbox"/> In <input type="checkbox"/> Out <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Awaiting Co. Report		Needs a Follow-Up Inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Company Representative: Amber Pressley	Title: Office manager	Signature: <i>Amber Pressley</i>	Date: 7/31/23
DEP Representative: Jennifer Ramos-Buschmann	Title: AD Specialist	Signature: <i>Jennifer Ramos-Buschmann</i>	Date/Time: 7/31/23 3:25pm

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INSPECTION REPORT

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Air Quality Program

a newer employee had probably filled the bins too high and she would tell them to not fill the bins too high so that they can be properly closed. Ms. Pressley stated that Mopac now comes on Mondays, Wednesdays, and Fridays to pick up the remains, I observed a Mopac truck pickup the remains in the bins around 2:00^{PM}. Ms. Pressley stated that only the animal hides are currently being added to the compost pile. I recommended they try to find another way to dispose of the hides, because they may be contributing to odors. I noted the rendering type odors near the compost pile and the rendering bin area. I noted a burn barrel and cardboard boxes near the rendering bin area. Ms. Pressley stated that they burn cardboard boxes that can't be used for packaging meat. I informed her of the open burning regulation and requested that they cease open burning going forward. During my 7/12/23 inspection, I noted smoke coming from the facility's vents and something smoldering on the ground. Ms. Pressley stated that they sometimes burn the hair off animal carcasses ~~and~~ before selling them, which is what causes the smoke, and the smoldering could have been from burning cardboard boxes. Ms. Pressley stated that they may be considering purchasing an incinerator to dispose of unwanted animal remains. I explained that they would likely need an air quality permit to operate an incinerator and I would email her more information on how to obtain a permit should they choose to do so. The compost pile was covered at the time of inspection except for a whole cow carcass which was not fully covered. Ms. Pressley stated that it was previously covered but it expanded/became bloated in the heat which caused it to become uncovered. Ms. Goodman and I requested that it be covered. During my 7/16/23 inspection, Brent Pressley stated that 300-400 animals are slaughtered at the facility a week, that some animals are purchased from auctions, and most of their customers are from NY and NJ states. Ms. Pressley was unsure how many animals were

Company -- plant name:

Initials of representative interviewed:

Date:

received so far this week.

Kingdom Provisions

AP 7/31/23

Page 2 of 2 Ms. Pressley stated that Reviewed By _____

she had not been notified by Plumstead Twp to remove their compost pile in 30 days. Ms. Goodman and I will reach out to the township regarding this matter.

White - Site

Yellow - District Office

Pink - Regional Office



Photos 1 and 2 – Containers of entrails of slaughtered animals
Taken by Jennifer Ramos-Buschmann on 7/31/23, 12:50 PM



Photos 3 and 4 – Containers of entrails, heads, and skins of slaughtered animals
Taken by Jennifer Ramos-Buschmann on 7/31/23, 12:51 PM and 12:58 PM



Photo 5 – Head and feet of slaughtered animals on ground adjacent to containers and dumpster
Taken by Jennifer Ramos-Buschmann on 7/31/23, 12:58 PM



Photo 6 – Cow backbones stored in bucket of backhoe
Taken by Jennifer Ramos-Buschmann on 7/31/23, 12:59 PM



Photos 7 and 8 – Burn barrel containing a conglomerate of solid waste and animal remains
Taken by Jennifer Ramos-Buschmann on 7/31/23, 1:02 PM



Photos 9 and 10 – Exposed cow carcass and discolored standing water in compost pile
Taken by Jennifer Ramos-Buschmann on 7/31/23, 1:05 PM and 1:06 PM