



Food Safety and
Inspection Service

Office of Field
Operations

Springdale District
Office

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Springdale, AR 72764
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July 29, 2013

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(b) (6)

Swiss Processing Plant, Inc., Est. M2969
2056 Hwy 19 South
Hermann, Missouri 65041

NOTICE OF SUSPENSION

Dear (b) (6)

This serves as official notification by the Food Safety and Inspection Service (FSIS) of the Suspension of the Assignment of Inspection personnel at Establishment M2969, Swiss Processing Plant, Inc., located at 2056 Hwy 19 South, Hermann, Missouri 65041, as per the Rules of Practice, 9 CFR 500.3(b). The Notice of Suspension is based on your failure to prevent inhumane handling and slaughter of livestock at your facility.

Background/Authority

The Humane Method of Slaughter Act of 1978 (7 U.S.C. 1901-1906) states: *The 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 the products and economics in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and live products in interstate and foreign commerce. It is therefore declared to be the policy of the United States that slaughtering of livestock and handling of livestock in connection with slaughter shall be carried out only by humane methods.*

FSIS has developed Rules of Practice regarding enforcement (9 CFR Part 500) that describe the types of enforcement action 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 Federal inspection. As per the Code of Federal Regulations 9 CFR 500.3(b), FSIS may impose a suspension without providing the establishment prior notification because the establishment is handling or slaughtering animals inhumanely.

The Federal Meat Inspection Act (FMIA) (21 U.S.C. 603 *et seq.*) states: *For the purpose of preventing the inhumane slaughtering of livestock, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the method by which cattle, sheep, swine, goats, horses, mules, or other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this Act. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause inspection to*

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be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with sections 1901 to 1906 of Title 7 until the establishment furnishes assurances satisfactory to the Secretary that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such a method.

Findings/Basis for Action

On July 29, 2013, at approximately 0730 hours, a regulatory control action was taken on the slaughter process at your facility based on an act of egregious inhumane handling observed by the FSIS Consumer Safety Inspector (CSI) during the performance of slaughter inspection duties. While performing inspection duties, the CSI heard two reports of the rifle used to stun cattle. He immediately went to the stunning area and observed a bull still standing in the knock box after being shot twice in failed stunning attempts. The CSI then observed a plant employee shoot the bull two more times. The fourth shot knocked the bull down, but it continued to breathe normally and closed its eye when the employee touched it. Two more shots were fired at the now recumbent animal, but it continued to exhibit blinking of the eye and normal breathing. The employee then opened the kill box and shot the bull two more times. The bull continued to exhibit rhythmic breathing and closed its eye when touched. The employee then retrieved a larger caliber rifle and shot the bull, effectively rendering it unconscious and insensible to pain. The time that elapsed between the first shot and the final shot that resulted in an effective stun was approximately ten minutes. The CSI immediately notified the establishment of the non-compliance and applied U.S. Reject tag B5779343 to the knock box.

Your establishment failed to comply with 9 CFR 313.16(a)(1) of the Humane Methods of Slaughter Act of 1978 (section 3), and the Federal Meat Inspection Act (21 U.S.C. 603). As documented by the CSI in an MOI dated July 29, 2013, and in this letter, you have failed to prevent violations of the Humane Slaughter Act of 1978 and the Regulations, 9 CFR 313, promulgated by FSIS to enforce the provisions of the Act. It should be noted that although your establishment has adopted a robust "Systematic Approach" to humane handling of livestock, it failed to prevent this egregious inhumane handling incident which resulted in the animal being shot a total of nine times over the course of approximately ten minutes prior to being rendered unconscious and insensitive to pain.

Therefore, in accordance with FSIS Rules of Practice, 9 CFR 500.3(b), we are notifying you of the suspension of the assignment of inspection personnel at your facility. The suspension action will remain in effect until you provide corrective and preventive actions assuring that livestock will be handled in a humane manner in accordance with the HMSA, FMIA, and regulations promulgated there under.

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

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Scott C. Safian, Director, ELD
Food Safety and Inspection Service
Office of Investigation, Enforcement and Audit
Enforcement and Litigation Division
Stop Code 3753, PP3, Cubicle 8-201C
1400 Independence Avenue, SW
Washington, D.C. 20250
Tel. No. 202-418-8872
Fax No. 202-260-0229
AEBCorrespondence@fsis.usda.gov

You may appeal this decision by contacting:

U.S. Department of Agriculture
Food Safety and Inspection Service
Office of Field Operations
Attention: Armia Tawadrous, DVM, Executive Associate for Regulatory Operations
14th Street & Independence Avenue, SW
Room 3157 - South Building
Washington, DC 20250
Telephone Number: 202-720-3697

If you have any questions, please contact the Springdale District Office at (479) 751-8412.

Sincerely,



65 Paul A. Kiecker
District Manager

cc: (b) (7)(C) (via electronic copy)
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Dr. Julie Cornett, DDM (via electronic copy)
Mr. Robert Bane, DDM (via electronic copy)
Mr. Eric Thompson, DDM (via electronic copy)
Washington, D.C. FSIS HQ Personnel (via electronic copy)