



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations

Springdale District

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Voice 479-751-8412
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March 23, 2020

Via Email: timwhisler1950@gmail.com
FedEx Tracking: 770073530199

Mr. Tim Whisler, Owner
Warner Locker Inc., Est. M8703
340 Southeast Offut Rd.
Maysville, MO 64469

NOTICE OF DEFERRAL

Dear Mr. Whisler,

On March 16, 2020, the Food Safety and Inspection Service (FSIS) issued a Notice of Intended Enforcement (NOIE) to Est. M8703, Warner Locker Inc., located at 340 Southeast Offut Rd., Maysville, MO. The NOIE informed you of our intent to withhold the marks of inspection and suspend the assignment of inspection personnel with prior notification for your Slaughter process. The decision to institute this enforcement action was in accordance with Title 9 of the Code of Federal Regulations (CFR), Part 500.3(b) (Rules of Practice) due to your establishment's failure to prevent inhumane handling and slaughter of livestock at your facility as required by 9 CFR 313.16(a)(1) and 313.16(a)(3).

On March 17, 2020, you provided a written response (Action Plan) to the NOIE, beginning a dialogue with FSIS that concluded with your final Action Plan submission on March 19, 2020.

After analyzing your Action Plan, including all information and revisions, FSIS has determined that your establishment has adequately addressed all the issues identified in the NOIE. At this time, FSIS will defer the decision on any further enforcement action pending the assessment and verification of your plan's implementation by FSIS inspection personnel to determine regulatory compliance. A copy of FSIS's Verification Plan is being shared with you to assist 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 identified in your Action Plan, and that the measures proffered are effective in assuring ongoing regulatory compliance. It identifies the regulatory noncompliance, your actions, and FSIS verification procedures.

Please be advised that your failure to comply with the regulatory requirements, to implement the corrective actions identified in the Action Plan, and/or failure to notify this office in writing of any changes to the Action Plan may result in our initiating further regulatory action as deemed necessary at the time. **During this period of deferral, any changes made to the Action Plan need to be submitted to this office for review and comment prior to you putting the changes into place.**

Mr. Tim Whisler, Owner
Warner Locker Inc., Est. M8703
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FSIS inspection program personnel will notify the Frontline Supervisor and the District Office immediately when modifications are made to the Action Plan and your establishment fails to notify this office.

If you have any questions, please contact this office.

Sincerely,



Robert Q. Bane
District Manager

cc: Ms. Geraldine French, Acting EARO
Dr. Evan Sumner, DDM
Dr. Don Dowdle, DDM
Mr. Jeffery Barham, DDM

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FO/Quarterly Reports

FSIS Verification Plan

Warner Locker Inc. (Est. M8703)

<i>Background that led to enforcement action (Bkgd)</i>
<i>Related Regulations (Reg)</i>
<i>Establishment Action Plan (AP)</i>
<i>Related Establishment Records (Rec)</i>
<i>FSIS Verification Activity (VA)</i>
<i>Frequency of Verification Activity (Freq)</i>
<i>Related PHIS Task (PHIS)</i>

VP1	On 3/16/2020, IPP observed a mis-stun. The first shot grazed across the right side of the steer's skull; the second shot dropped the animal, but it was still conscious; the third shot rendered the animal unconscious.
	9 CFR 313.16(a)(1) and 313.16(a)(3)
	All employees performing stunning will be trained using Observations on Stunning Placement in Cattle.
	Humane handling record
	Verify that employees scheduled to perform stunning procedure for the day have been trained.
	Once per week.
Livestock Humane Handling	

VP2	On 3/16/2020, IPP observed a mis-stun. The first shot grazed across the right side of the steer's skull; the second shot dropped the animal, but it was still conscious; the third shot rendered the animal unconscious.
	9 CFR 313.16(a)(1) and 313.16(a)(3)
	A .22 magnum rifle will be the first weapon of choice, and a .22 magnum pistol will be available as back up. The weapons will be cleaned prior to the next use, and the cleaning will be documented on the Humane Handling Record.
	Humane handling record
	Verify that primary and secondary weapons are both available at the time of slaughter and that the humane handline record documents that they were cleaned since the previous use.
	Once per week.
Livestock Humane Handling	

VP3	On 3/16/2020, IPP observed a mis-stun. The first shot grazed across the right side of the steer's skull; the second shot dropped the animal, but it was still conscious; the third shot rendered the animal unconscious.
	9 CFR 313.16(a)(1) and 313.16(a)(3)
	The owner will practice firing prior to inspected kill on Mondays for the first 4 weeks of the verification period. Practice will consist of 10 rounds fired at 3 feet from the target.
	Used target
	Observe the target after shooting practice to verify that the owner has practiced firing as specified.
	Once per week.
Livestock Humane Handling	

VP4	On 3/16/2020, IPP observed a mis-stun. The first shot grazed across the right side of the steer's skull; the second shot dropped the animal, but it was still conscious; the third shot rendered the animal unconscious.
	9 CFR 313.16(a)(1) and 313.16(a)(3)
	Stunning effectiveness will be monitored by checking for fixed eyes, no vocalization, limp tongue, no righting reflex, and no rhythmic breathing. This will be documented on the humane handling record. The skull of one animal will be split on each day of slaughter throughout the verification period. This will be reviewed for shot placement.
	Humane handling record
	Verify that stunning effectiveness is conducted as specified and documented. Verify that one skull is split and reviewed each slaughter day throughout the verification period.
	Once per week.
Livestock Humane Handling	