



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations

Springdale District

4700 S. Thompson
Suite B-201
Springdale, AR 72764
Voice 479-751-8412
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November 4, 2019

Via Email: chrisshaw@cypressvalleymeatcompany.com
FedEx Tracking: 776894540978

Mr. Chris Shaw, Plant Manager
Cypress Valley Meat Company, LLC, Est. M46139+V46139
5951 Hwy 64 East
Pottsville, AR 72858
(479) 968-6330

NOTICE OF SUSPENSION

Dear Mr. Shaw,

This serves as official notification by the Food Safety and Inspection Service (FSIS) of the suspension of the assignment of inspection personnel related to your Slaughter process at Est. M46139+V46139, Cypress Valley Meat Company, located at 5951 Hwy 64 East, Pottsville, AR 72858, as per Regulations 500.3(b) (Rules of Practice). This Notice of Suspension (NOS) is based on your failure to prevent inhumane handling and slaughter of livestock at your facility as required by 9 CFR 313.15(a)(1), 313.15(a)(3), 313.16(a)(1) and 313.16(a)(3).

Background / Authority

In 7 U.S.C. 1901, the Humane Methods of Slaughter Act (Humane Slaughter Act) 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 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.*

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 Title 9 of the Code of Federal Regulations (9 CFR) 500.3(b), FSIS may impose a suspension

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without providing the establishment prior notification because the establishment is handling or slaughtering animals inhumanely.

In 21 U.S.C. 603(b), the Federal Meat Inspection Act (FMIA) 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 amenable species are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this chapter. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901–1906) 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 November 1, 2019, (b) (6) documented the following inhumane handling incident in an MOI:

On Friday 11/01/2019 at approximately 1345 while performing my slaughter duties, inspecting a swine on the slaughter floor, I heard what sounded like the normal sound of the captive bolt and a loud hog squeal, approximately 4 seconds later I heard what sounded like the 22 caliber pistol shot and another loud hog squeal, approximately 2 more seconds I heard another 22 caliber pistol shot and another loud squeal. Finally about 4 seconds later I heard what sounded like the 410 shot gun shot and there was silence. I was trying to make my way out the knock box to see what was happening. I observed the hog insensible to pain at this point with one establishment employee over the hog and another one watching, which was the spotter. I immediately placed a retain tag No. 842 253040 on the knock box to halt the knock process and notified Mr. Chris Shaw, the Plant Manager and (b) (6) of my findings. The hog stunner had been out of operation since yesterday, the establishment was waiting for parts to arrive in order to repair the stunner, they are scheduled to arrive on Monday, November 4, 2019 and a new stunner is set to arrive on Tuesday November 5, 2019.

As documented in the MOI dated 11/1/2019 and in this letter, your establishment failed to comply with 9 CFR 313.15(a)(1), 313.15(a)(3), 313.16(a)(1) and 313.16(a)(3), the Humane Slaughter Act (section 1902), and the Federal Meat Inspection Act (21 U.S.C. 603(b)). CSI Twilla Amuimuia verbally notified your establishment of this suspension on 11/1/2019.

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Therefore, in accordance with FSIS Rules of Practice, 9 CFR 500.3(b), we are formally notifying you of the suspension of the assignment of inspection at your facility. The NOS action will remain in effect until you provide adequate written corrective and preventive measures to assure that all livestock at your facility will be handled in a humane manner during slaughter. We will determine further action, if any, based upon your response. Your response should include:

1. Your description of the details of the incident.
2. An initial assessment of the incident and determination of the cause.
3. Immediate corrective actions taken.
4. Measures to prevent recurrence.
5. Any training of employees and materials used.
6. Type of monitoring activity for future stunning of livestock, along with a documentation record.

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

Scott C. Safian, Director
Enforcement and Litigation Division
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
United States Department of Agriculture
Stop Code 3753, PP3, Cubicle 9-235A
1400 Independence Avenue, SW
Washington, DC 20250
Voice: (202) 418-8872
Fax: (202) 245-5097

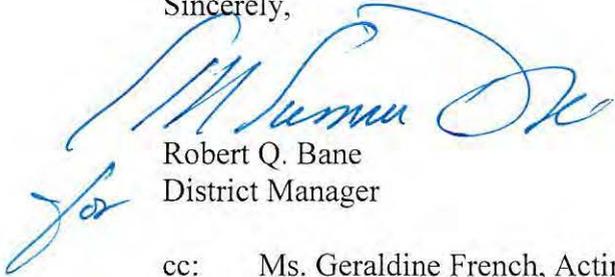
You may appeal this decision by contacting:

U.S. Department of Agriculture
Food Safety and Inspection Service
Attention: Geraldine French, Acting Executive Associate for Regulatory Operations
1400 Independence Avenue, SW
Room 344-E, Whitten Building
Washington, DC 20250
Phone: (202) 205-0001

If you have any questions, please contact this office.

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Sincerely,



Robert Q. Bane
District Manager

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

(b) (6)



FO/Quarterly Reports