



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations

Springdale District

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Springdale, AR 72764
Voice 479-751-8412
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November 6, 2019

Via Email: chrisshaw@cypressvalleymeatcompany.com
FedEx Tracking: 776918613360

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 HELD IN ABEYANCE

Dear Mr. Shaw,

On November 1, 2019, the Food Safety and Inspection Service (FSIS) notified you of the suspension of the assignment of inspection personnel at your facility. This Notice of Suspension (NOS) was based on the Rules of Practice specified in Title 9 Code of Federal Regulations (CFR) 500.3(b) due to your establishment's failure to prevent inhumane handling and slaughtering 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).

On November 1, 2019, you provided a written response (Action Plan) to the NOS via email, beginning a dialogue with FSIS that concluded with your final Action Plan submission on November 5, 2019. FSIS analyzed the corrective and preventive measures provided in your Action Plan and subsequent revisions, and determined they represented compliance or the intent to comply with all applicable regulations. Therefore, FSIS will hold the suspension in abeyance pending verification by FSIS personnel that your Action Plan is effectively implemented. You were verbally notified of the suspension being held in abeyance on November 5, 2019, and this letter serves as formal, written notification of the same.

An abeyance is a moratorium on the effect of a suspension. Once a suspension is imposed, the Agency may put it into abeyance if the establishment undertakes corrective and preventive actions that the Agency finds will ensure that the conditions that were the basis for the suspension will be eliminated, and the Action Plan is effectively implemented. During the abeyance period, FSIS personnel will evaluate your corrective and preventive actions to ensure their effectiveness.

A copy of the FSIS 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

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the Action Plan identified in your proposal and subsequent clarifications, and that 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 statutory and 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 us initiating further regulatory action as deemed necessary at the time. **During this period of abeyance, 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.** FSIS inspection program personnel will notify the Frontline Supervisor and 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.

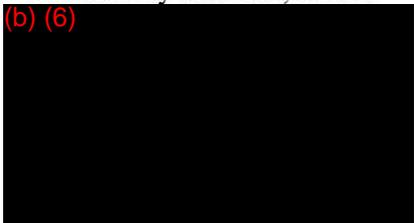
Sincerely,



for
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

Cypress Valley Meat Company 1, LLC (M46139+V46139)

	<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	As documented in MOI #UIV3914114401G and the NOS, the establishment failed to comply with 9 CFR 313.15(a)(1), 313.15(a)(3), 313.16(a)(1) and 313.16(a)(3) when there was a stun failure on November 1, 2019.
	9 CFR 313.15(a)(1), 313.15(a)(3), 313.16(a)(1), 313.16(a)(3), 313.30(a)(1), and 313.30(a)(3)
	All slaughter floor employees will be retrained before being allowed to go back to slaughter activities. Verbally communicated to the slaughter floor employees: (1) they are not to use the same identical knock method if the first one fails, and (2) hogs will only be electrically stunned moving forward and that the firearm would be used as a safety knock. Employees will also watch an instructional video on proper stunning placement and angles, also a video by Temple Grandin on proper handling.
	<u>Training Log</u>
	All slaughter floor employees, including all new employees, will receive training on Humane Handling/Stunning prior to resumption of swine slaughter. The training will be documented. Once (records review) prior to resumption of swine slaughter and for each new employee.
VP2	Livestock Humane Handling
	As documented in MOI #UIV3914114401G and the NOS, the establishment failed to comply with 9 CFR 313.15(a)(1), 313.15(a)(3), 313.16(a)(1) and 313.16(a)(3) when there was a stun failure on November 1, 2019.
	9 CFR 313.15(a)(1), 313.15(a)(3), 313.16(a)(1), 313.16(a)(3), 313.30(a)(1), and 313.30(a)(3)
	Livestock must remain insensible to pain (unconscious) from the time they are stunned until they are dead: 1. head dangles from a flaccid (limp and flexible) neck (if animal is suspended, head should hang straight down); 2. tongue may hang straight down and out of the mouth; 3. eyelids should be wide open and pupils fully dilated (eyes appear black at a distance); 4. no vocalization—mooring, bellowing, baaing, or squealing; 5. Employees should look for rhythmic breathing, a single exhale is common.
	<u>Stunning Log</u>
Plant will complete stunning effectiveness monitoring on 100% if the hogs slaughtered. During the abeyance period, the establishment cannot make changes to this frequency without justification and approval by the District. Once per slaughter (direct observation and records review).	
VP3	Livestock Humane Handling
	As documented in MOI #UIV3914114401G and the NOS, the establishment failed to comply with 9 CFR 313.15(a)(1), 313.15(a)(3), 313.16(a)(1) and 313.16(a)(3) when there was a stun failure on November 1, 2019.
	9 CFR 313.15(a)(1), 313.15(a)(3), 313.16(a)(1), 313.16(a)(3), 313.30(a)(1), and 313.30(a)(3)

VP3	<p>Parts to repair the current stunner should arrive by Monday, November 4, 2019 and the stunner will be repaired. A secondary electric stunner was ordered and next day aird to be delivered to the plant on Tuesday Nov 5th, so that the company should never be without a working electric stunner. The plant will change procedure so that no hog will be stunned other than electrically, the only time a firearm will be used for pork slaughter will be for safety knocks. If electrical stun is unavailable, swine slaughter will be postponed until the electrical stunner is operational again.</p>
	[Observation]
	Swine can only be slaughtered if a functional electric stunner is available.
	Once per slaughter day by direct observation.
	Livestock Humane Handling
VP4	<p>As documented in MOI #UIV3914114401G and the NOS, the establishment failed to comply with 9 CFR 313.15(a)(1), 313.15(a)(3), 313.16(a)(1) and 313.16(a)(3) when there was a stun failure on November 1, 2019.</p>
	9 CFR 313.15(a)(1), 313.15(a)(3), 313.16(a)(1), 313.16(a)(3), 313.30(a)(1), and 313.30(a)(3)
	<p>A secondary electric stunner was ordered and next day aird to be delivered to the plant on Tuesday Nov 5th, so that the company should never be without a working electric stunner. The plant will change procedure so that no hog will be stunned other than electrically, the only time a firearm will be used for pork slaughter will be for safety knocks. The employees also always follow up the electrical stunner with a safety knock to ensure the hog does not regain consciousness.</p>
	[Observation]
	The establishment will have a secondary stunning device (captive bolt or firearm) available each slaughter day.
	Once per slaughter day by direct observation.
	Livestock Humane Handling