



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
Fax 479-751-9049

October 30, 2019

Via Email: sharon.fennewald@swissmeats.com
FedEx Tracking: 776855248610

Ms. Sharon Fennewald, Plant Manager
Swiss Processing Plant Inc., Est. M/P 2969
2056 Hwy 19 S.
Hermann, MO 65041

NOTICE OF SUSPENSION

Dear Ms. Fennewald,

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. M/P 2969, Swiss Processing Plant Inc., located at 2056 Hwy 19 S., Hermann, MO 65041, 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 313.16(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 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*

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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 October 30, 2019, (b) (6) documented the following inhumane handling incident in an MOI:

At approximately 0655, (b) (6) notified me a stun failure had occurred. (b) (6) stated at approximately 0651 plant employee #1 yelled "fire in the hole". After plant employee #1 shot the steer with a rifle, (b) (6) walked out of the kill floor office and noticed plant employee #2 with the secondary rifle attempting to position himself to apply a second stun. (b) (6) stated he observed the steer was still standing and the head was moving left and right. At approximately 0653, (b) (6) said he heard the second shot and the animal was rendered unconscious at that time. (b) (6) monitored the time on a wall clock in the slaughter office.

When I arrived on the slaughter floor, I observed a bullet entrance and exit wound on the side of the neck and one shot located at the center of the forehead which had likely rendered the animal unconscious. I notified the HACCP Coordinator of the incident and informed her I would be notifying (b) (6) (b) (6)

After speaking with (b) (6) I notified (b) (6) that I was implementing a regulatory control action to prevent the slaughter of animals until the inhumane stunning issue could be addressed. I placed U.S. Retain Tags #B-45229561 and B-45229593 on the knocking box. I advised (b) (6) (b) (6) that the regulatory control action to stop further stunning would remain in place. I also advised her that due to the seriousness of this matter, an immediate suspension was being taken and that I was alerting the District Office of the suspension.

In review of establishment history for humane handling incidents, a stun failure was observed on 9/9/19 and noncompliance record #DEG0009091909N was issued.

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As documented in the MOI dated October 30, 2019 and in this letter, your establishment failed to comply with 9 CFR 313.16(a)(1), 313.16(a)(3), the Humane Slaughter Act (section 1902), and the Federal Meat Inspection Act (21 U.S.C. 603(b)).

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. An initial assessment of the incident and determination of the cause.
2. Immediate corrective actions taken.
3. Measures to prevent recurrence.
4. Any training of employees and materials used.
5. 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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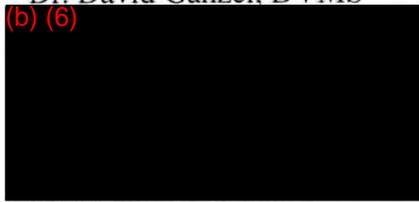
Sincerely,



Robert Q. Bane
District Manager

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

(b) (6)



FO/Quarterly Reports