



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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September 10, 2020

Via Email: k.wells@wellsfamilyfarms.com
FedEx Tracking: 771490937367

Ms. Kim Wells, Owner
Barnard Processing, Est. M47289
527 Depot
Barnard, MO 64423

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Ms. Wells,

On August 24, 2020, 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 313.16(a)(1), and 313.16(a)(3).

On August 24, 2020, 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 September 3, 2020. 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 September 4, 2020, 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 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.

Ms. Kim Wells, Owner
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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,



Jeffery Barham
District Manager

cc: Ms. Geraldine French, EARO
Dr. Don Dowdle, DDM
Dr. Evan Sumner, DDM

(b) (6)



FO/Quarterly Reports

FSIS Verification Plan

Barnard Processing (Est. M47289)

Background that led to enforcement action (Bkgd)

Related Regulations (Reg)

Establishment Action Plan (AP)

Related Establishment Records (Rec)

FSIS Verification Activity (VA)

Frequency of Verification Activity (Freq)

Related PHIS Task (PHIS)

VP1	<p>At approximately 7:40 a.m. on 8/24/2020, IPP observed an establishment employee fire a .22 hollow point bullet that struck the animal without producing immediate unconsciousness (exhibited by the animal continuing to stand and blink its eyes). The establishment employee fired again; however, the animal remained conscious, standing and blinking its eyes. The employee shot a third time, rendering the animal unconscious and insensible.</p>
	<p>9 CFR 313.16(a)(1), and 313.16(a)(3)</p>
	<p>Each slaughter date in our facility we will use a 22 mag rifle and have a 410 shotgun using 6 shot loads as our backup weapon. Our Humane Handling form will be amended to reflect this change to ensure proper weapon is used to stun cattle. Ammunition will be stored properly in a sealed container in the office each evening.</p>
	<p>Barnard Processing Stunning Training Log; Humane Handling Log</p>
	<p>Observe that .22 mag rifle is used as primary weapon and .410 shotgun is available as back up. Observe that ammunition is stored in accordance with the Aciton Plan.</p>
	<p>Once per slaughter day Livestock Humane Handling</p>
VP2	<p>At approximately 7:40 a.m. on 8/24/2020, IPP observed an establishment employee fire a .22 hollow point bullet that struck the animal without producing immediate unconsciousness (exhibited by the animal continuing to stand and blink its eyes). The establishment employee fired again; however, the animal remained conscious, standing and blinking its eyes. The employee shot a third time, rendering the animal unconscious and insensible.</p>
	<p>9 CFR 313.16(a)(1), and 313.16(a)(3)</p>
	<p>The employee responsible for stunning will be re-trained, and the training recorded. Training will follow 'Guidance notes #1 Firearm Stunning' and Temple Grandin's Evaluation of Consciousness. After performing the kill shot, he will release the animal from the knock box and examine the carcass for any signs of consciousness. He will also perform a pithing procedure (take a rod or screwdriver and follow the path of the bullet into the brain cavity and swish it around to "mush" the brain).</p>
	<p>Barnard Processing Stunning Training Log</p>
	<p>Verify that the employee stunning livestock has been trained as described in the Action Plan. Verify that the employee examines the carcass for signs of consciousness and performs the pithing procedure.</p>
	<p>Once per slaughter day Livestock Humane Handling</p>

VP3	<p>At approximately 7:40 a.m. on 8/24/2020, IPP observed an establishment employee fire a .22 hollow point bullet that struck the animal without producing immediate unconsciousness (exhibited by the animal continuing to stand and blink its eyes). The establishment employee fired again; however, the animal remained conscious, standing and blinking its eyes. The employee shot a third time, rendering the animal unconscious and insensible.</p>
	<p>9 CFR 313.16(a)(1), and 313.16(a)(3)</p>
	<p>The Effective Stunning task (examination of carcass and pithing) will be directly observed once per slaughter day. The ammunition storage will be directly observed once daily by designee.</p>
	<p>Humane Handling Log</p>
	<p>Once per week, observe the direct observations procedures proffered in the Action Plan. Review the Humane Handling Logs generated since the last time this Verification Point was performed.</p>
	<p>Once per week</p>
	<p>Livestock Humane Handling</p>