



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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June 22, 2020

Via Email: travis@powellmeatco.com
FedEx Tracking # 770767977787

Mr. Travis Powell, Owner
Powell Meat Company LLC, Est. M51306+V51306
117 Rives Rd
Clinton, MO 64735

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Powell,

On June 17, 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 June 17, 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 June 19, 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 June 19, 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.

Mr. Travis Powell, Owner
Powell Meat Company LLC, Est. M51306+V51306
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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.

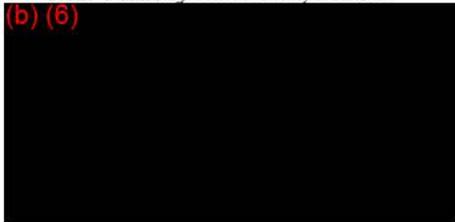
Sincerely,



Dr. Evan M. Sumner
Acting District Manager

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

(b) (6)



FO/Quarterly Reports

FSIS Verification Plan

Powell Meat Company LLC (M51306+V51306)

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)

At approximately 8:30 a.m. on June 17, 2020, an establishment employee attempted to shoot a steer with a .22 caliber rifle, but the shot went into the back of the neck and did not stun the animal. Another employee attempted to apply a second stun with the rifle. Although the animal dropped to the floor, it continued to exhibit signs of consciousness, including rhythmic breaths, tracking movements with its eyes, and sitting on its haunches with its head up. The employee then applied a third stun, which produced immediate unconsciousness.

9 CFR 313.16(a)(1), and 313.16(a)(3)

All slaughter employees will be trained prior to resuming slaughter, including: How to Determine Insensibility and Unconsciousness in Cattle, Pigs, and Sheep in Slaughter Plants; Observations on Stunning Placement in Cattle; Stunning for Small Plants; Recommended Captive Bolt Stunning Techniques for Cattle; and, Humane Handling of Livestock and Poultry Video. They will receive monthly training, including: the previous month's records and a refresher on "Determining Insensibility..." and "Recommended Captive Bolt..." noted above.

Training documented on Training Program Documentation Form will include the following information: date, time, employee name, & employee signature.

Verify records documenting slaughter employee training prior to resuming slaughter and monthly thereafter. When possible, sit in on training to observe training elements.

Monthly

Livestock Humane Handling

At approximately 8:30 a.m. on June 17, 2020, an establishment employee attempted to shoot a steer with a .22 caliber rifle, but the shot went into the back of the neck and did not stun the animal. Another employee attempted to apply a second stun with the rifle. Although the animal dropped to the floor, it continued to exhibit signs of consciousness, including rhythmic breaths, tracking movements with its eyes, and sitting on its haunches with its head up. The employee then applied a third stun, which produced immediate unconsciousness.

9 CFR 313.16(a)(1), and 313.16(a)(3)

All ammunition will be stored in the front office in an ammunition box. All firearms used for stunning will be cleaned at the end of each slaughter day. 1 spare rifle next to the knock box in case of failure of the primary rifle; 1 pig at a time in the knock box.

Stunning Maintenance Log

Observe that ammunition is properly stored at the end of the day and that all firearms used each slaughter day are cleaned. Observe that there is a spare rifle at the knock box and that no more than 1 pig is allowed at a time in the knock box.

Once per slaughter day

Livestock Humane Handling

VP3	<p>At approximately 8:30 a.m. on June 17, 2020, an establishment employee attempted to shoot a steer with a .22 caliber rifle, but the shot went into the back of the neck and did not stun the animal. Another employee attempted to apply a second stun with the rifle. Although the animal dropped to the floor, it continued to exhibit signs of consciousness, including rhythmic breaths, tracking movements with its eyes, and sitting on its haunches with its head up. The employee then applied a third stun, which produced immediate unconsciousness.</p>
	<p>9 CFR 313.16(a)(1), and 313.16(a)(3)</p>
	<p>Establishment management will randomly observe the stun operator perform the procedure on at least 10% of animals each slaughter day. This will include observation of an employee skinning and splitting the head of the selected animals to verify proper stun placement and effectiveness of the choice of weapon and ammunition.</p>
	<p>Stunning Log; Head Audit Form; Slaughter Reliability Checklist</p>
	<p>Observe that management is conducting observations as proffered in the Action Plan. Review records to verify that these checks support that employees are slaughtering animals in accordance with regulatory requirements and the establishment's proffered SOP.</p>
	<p>Observations: once per slaughter day. Record Review: once per slaughter day.</p>
	<p>Livestock Humane Handling</p>