



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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December 7, 2020

Via Email: timwhisler1950@gmail.com  
FedEx Tracking # 772286203368

Mr. Tim Whisler, Plant Manger  
Warner Locker Inc., Est. M8703  
340 Southeast Offut Rd.  
Maysville, MO 64469

## NOTICE OF SUSPENSION

Dear Mr. Whisler,

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. M8703, Warner Locker Inc., located at 340 Southeast Offut Rd., Maysville, MO 64469, as per Title 9 of the Code of Federal Regulations (CFR) 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 provided in 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**

At approximately 7:25 a.m. on December 7, 2020, FSIS Inspection Program Personnel (IPP) observed a failed stunning procedure, as documented in NR NEG3312123607N. The plant manager fired a .22 mag rifle in an attempt to stun a steer; however, the animal remained standing and holding its head upright. The plant manager attempted two more times with the same firearm; however, the animal continued to remain standing after each attempt. Another employee fired a fourth shot using the same firearm, rendering the animal immediately unconscious. IPP took a regulatory control action by tagging the knock box with U.S. Reject Tag B-45064078.

Your establishment failed to comply with 9 CFR 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)). Based on the egregious nature of this incident, FSIS has determined that a suspension is warranted. IPP verbally notified you that inspection operations were suspended at your establishment on December 7, 2020.

**Conclusion**

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 personnel for the Slaughter process at your facility. The suspension 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.

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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, 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 the Springdale District Office.

Sincerely,

*Donald Dowdle DDM*  
*for*

Jeffery Barham  
District Manager

cc: Ms. Geraldine French, EARO  
Dr. Evan Sumner, DDM  
Dr. Don Dowdle, DDM  
Dr. Daran (Curtis) Stovall, DDM

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FO/Quarterly Reports