



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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April 15, 2022
(verbal: April 14, 2022)

Hand-delivered by IPP
FedEx Tracking: 7765 9220 2901

Mr. Gary Krueger, Establishment Owner
Wright City Meat, Company, Inc.- M8699+P8699+V8699
363 East North Service Rd.
Wright City, Missouri 63390
(636) 745-3331

NOTICE OF SUSPENSION

Dear Mr. Kreuger,

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. M8699+P8699+V8699, Wright City Meat, Company, Inc.- M8699+P8699+V8699 (363 East North Service Rd. Wright City, Missouri 63390) as per Title 9 of the Code of Federal Regulations 9 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.

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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 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 9:30 a.m. on April 14, 2022, FSIS Inspection Program Personnel (IPP) observed a humane handling incident, as documented in Noncompliance Record (NR) DTB2610043914N / 1. The NR states that while observing the stunning effectiveness of cattle, IPP observed the establishment owner, Mr. Gary Krueger, use a Smith & Wesson .357 Magnum pistol to shoot a live 38 special round for stunning purposes. IPP heard the first shot, followed by an immediate second shot. Following an approximate 5-10 second delay, IPP heard a third shot which rendered the cow unconscious. Between the first and second shot, IPP observed the cow with signs of consciousness by observing the cow continue to stand on all four legs, move around the pen and expressed vocalization. IPP took immediate regulatory control by stopping the slaughter process and applying FSIS Form 6502-1 US Reject Tag # B-45183850 to the knock box and providing notification to Mr. Gary Krueger, Establishment Owner, of the egregious inhumane treatment and the establishment's failure to meet the regulatory requirements of 9 CFR 313.16(a)(1) and 9 CFR 313.16(a)(3).

In addition, this noncompliance is associated with NR DTB0811041807N / 1, dated April 7, 2022, which documents a similar incident involving the use of a Smith & Wesson .357 Magnum pistol to shoot a live round for stunning purposes. On this date, IPP verified the stunning effectiveness of the first steer presented for slaughter by standing outside the kill room while the pistol was being used. IPP heard two shots made to render the steer unconscious.

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 of this suspension on December 14, 2021, and this is written notification of the same.

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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.

In accordance with 9 CFR 500.5(d), you may request a hearing concerning this action by contacting:

Mr. Scott C. Safian, Director
Enforcement and Litigation Division
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
United States Department of Agriculture
Patriots Plaza III, 9th Floor, Cubicl 9-235A
355 E Street SW
Mail Stop 3753, Cubicle 9-235A
Washington, DC 20024
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: Ms. Geraldine French, Executive Associate for Regulatory Operations
1400 Independence Avenue, SW
Room 344-E, Whitten Building
Washington, DC 20250
Phone: (202) 720-4614

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If you have any questions, please contact this office.

Sincerely,



Jeffery Barham
District Manager

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

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