



United States Department of Agriculture

April 7, 2025

Hand Delivered by (b) (6), SPHV on
April 7, 2025
Electronically Submitted on April 7, 2025

Creekstone Farms Premium Beef LLC, Est. M27
604 Goff Industrial Park Road
Arkansas City, Kansas 67005
(b) (6) @cfpbeef.com
(b) (6)

Attention: (b) (6), Food Safety Manager

NOTICE OF SUSPENSION

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of its decision to, effective immediately, withhold the marks of inspection and suspend inspection services for the Slaughter Hazard Analysis Critical Control Point (HACCP) processes at Creekstone Farms Premium Beef LLC (Creekstone), Est. M27, located at 604 Goff Industrial Park Road, Arkansas City, Kansas 67005. This letter follows verbal notification of the suspension action, provided by (b) (6), Supervisory Public Health Veterinarian (SPHV), to (b) (6), Food Safety Manager, at approximately 11:45 AM on April 7, 2025.

FSIS is taking this action in accordance with Title 9 of the Code Federal Regulations (CFR) Rules of Practice 500.3(b), based on the determination that Creekstone handled or slaughtered livestock inhumanely, in violation of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Humane Methods of Slaughter Act (HMSA) (7 U.S.C. 1901 *et seq.*), and the relevant regulatory requirements (9 CFR Part 313).

This letter provides you with information on the Agency's authority, the facts supporting FSIS' action, and information on how you can respond.

Background/Authority

FSIS is the agency in the U.S. Department of Agriculture responsible for protecting the public's health by ensuring the nation's supply of meat, poultry, and processed egg products for sale and distribution in commerce is safe, unadulterated, wholesome, and correctly labeled and packaged. FSIS administers and enforces, among other laws, the FMIA, HMSA, and the statutes' implementing regulations. FSIS has prescribed rules and regulations required for establishments producing meat/meat food products, including requirements pertaining to humane handling and slaughtering of livestock (9 CFR Part 313) and other matters. FSIS has also developed the Rules of Practice regarding enforcement (9 CFR Part 500). The Rules of Practice 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 Federal Grant of Inspection.

Should FSIS personnel document serious or repetitive food safety, sanitation, humane handling, slaughter, or other violations, FSIS may take enforcement action under 9 CFR Part 500.

Links to the Acts and the Rules of Practice are enclosed for your information and review.

FMIA: <https://www.fsis.usda.gov/policy/food-safety-acts/federal-meat-inspection-act>
HMSA: <https://www.fsis.usda.gov/policy/food-safety-acts/humane-methods-slaughter-act>
FSIS Rules of Practice: <https://www.ecfr.gov/current/title-9/chapter-III/subchapter-E/part-500>

Findings/Basis for Action

At approximately 0653 on April 7, 2025, FSIS Inspection Program Personnel (IPP) observed a humane handling incident, as documented in Noncompliance Record (NR) CII5209041807N. The NR states an establishment employee attempted to conduct an additional stun on a hanging animal at the sticker location. The shackled animal was attempting to right itself with its head up over its back, stiff body, front legs extended straight out, arched back, and the animal had rhythmic breathing. The sticking employees attempted to stun the animal twice more using the backup knocking gun which failed to function properly as the animal continued to show signs of consciousness. The lead employee had to leave the sticking area to travel to the knocking area (separated by two flights of stairs) to retrieve a functioning knocking device. Upon the lead's return, a stun was applied to the animal resulting in a loss of consciousness. IPP applied US Reject Tag B45797437 to the knock box and informed establishment management of the noncompliance with 9 CFR 313.15(a)(3).

Conclusion

On September 9, 2004, FSIS published "*Humane Handling and Slaughter Requirements and the Merits of a Systematic Approach to Meet Such Requirements*" in the Federal Register (69 FR 54625). Subsequently, on October 23, 2013, FSIS issued guidance, titled "*FSIS Compliance Guide for a Systematic Approach to the Humane Handling of Livestock*," to promote a systematic approach to achieve compliance with the FSIS requirements for the humane handling and slaughter of livestock.

If an establishment maintains a robust humane handling program, FSIS can exercise regulatory discretion when an inhumane handling or slaughter incident is observed. Although Creekstone had previously developed and implemented a systematic approach to humane handling that was considered robust, it failed to effectively implement the program.

Based on the findings described above, Creekstone handled or slaughtered livestock inhumanely, in violation of the FMIA 21 U.S.C. 603(b), HMSA 7 U.S.C. 1901 – 1902, and 9 CFR 313.15(a)(3). In accordance with 9 CFR Part 500.3(b), FSIS is exercising its authority to withhold the marks of inspection and suspend inspection services for the Slaughter HACCP processes at Creekstone, effective immediately.

How to Respond to this Letter

Please be advised that this suspension will remain in effect for the Slaughter HACCP processes at Creekstone until you provide adequate written corrective action and preventative measures to demonstrate adherence to regulatory requirements. Your written response is expected to include:

- An evaluation and identification of the nature and cause of the incident.
- A description of the specific actions taken to eliminate the cause of the incident and prevent future recurrences.
- Any corrective actions, preventative measures, and monitoring activities to ensure continued compliance.
- Copies of supporting documentation and records maintained and/or associated with the proposed corrective actions and preventative measures.

You may submit your response by fax to (479) 751-4739, or by electronic mail (evan.sumner@usda.gov).

You are reminded that, as an operator of a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent the inhumane handling and slaughtering of livestock. Please be advised that failure to respond adequately to these issues may result in additional enforcement action, including initiation of administrative proceedings to withdraw Federal inspection services from Creekstone or other appropriate action.

Appeal and Hearing Rights

You have the right to appeal this matter and can do so by contacting:

Robert Bane,
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
4700 South Thompson Street
Building B, Suite 201
Springdale, AR 72764
Email: Robert.bane@usda.gov
Phone: (b) (6)

Pursuant to 9 CFR 500.5(d), you may also request a hearing regarding this determination. Should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing. If you wish to request a hearing regarding this determination, please contact:

Scott C. Safian
Director, Enforcement Operations Staff
Office of Investigation, Enforcement and Audit

(b) (6), Food Safety Manager
Creekstone Farms Premium Beef LLC, Est. M27

Notice of Suspension
April 7, 2025

Food Safety and Inspection Service
Stop Code 3753, Room 2161
1400 Independence Avenue, SW
Washington, DC 20250
Fax Number: (202) 245-5097
E-mail: EOSCorrespondence@usda.gov

If you have any questions, please contact Dr. Evan Sumner, Deputy District Manager by telephone at (479) 717-5023 or by electronic mail at evan.sumner@usda.gov. Additionally, you can contact Springdale District Office at (479) 751-8412 or by fax at (479) 751-4739.

Sincerely,

EVAN
SUMNER

Digitally signed by EVAN
SUMNER
Date: 2025.04.07 13:53:21
-05'00'

for
Jeffery Barham
District Manager