



August 24, 2023

Food Safety and  
Inspection Service

Office of Field Operations  
Jackson District Office  
713 S Pear Orchard Rd.  
Plaza 2, Suite 402  
Ridgeland, MS 39157

Beef and Bacon  
Est. M54271  
2887 McGee Chapel Rd  
Calhoun, Kentucky 42327  
(b) (6)@gmail.com  
270-929-0280

ELECTRONIC MAIL on August 24, 2023  
FEDEX TRACKING 7731 5956 8503

Attention: Mr. William Kuegel, Owner

### NOTICE OF SUSPENSION

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our decision to withhold the federal marks of inspection and suspend the assignment of Inspection Program Personnel (IPP) at Beef and Bacon, Est. M54271, located at 2887 McGee Chapel Rd, Calhoun, Kentucky. This letter follows verbal notification of the suspension action, provided by Dr. Kermit Harvey, Deputy District Manager, to William Keugel, Owner, at approximately 12:38 PM on August 24, 2023. This action includes your Slaughter Hazard Analysis Critical Control Point (HACCP) processes employed at your establishment.

The decision to institute this enforcement action is in accordance with Title 9 of the Code of Federal Regulations (CFR), Rules of Practice 500.3(b), based on the determination that your establishment did not handle or slaughter animals humanely. The evidence demonstrates failure to comply with the Federal Meat Inspection Act (FMIA) (21 U.S.C. 603), the Humane Methods of Slaughter Act (HMSA) (7 U.S.C. 1901 et seq.), and the regulatory requirements (9 CFR Part 313).

### Background/Authority

The FMIA (21 USC 601 et seq.) provides it is essential to the public interest that the health and welfare of consumers be protected, by assuring meat products distributed to them are wholesome, not adulterated, and properly marked, and labeled. The Act gives FSIS the authority, as designated by the Secretary of Agriculture, to prescribe rules and regulations describing sanitation requirements for inspected establishments and provide FSIS program personnel the authority to refuse to allow meat/meat food products to be marked, labeled, stamped, or tagged as *inspected and passed*, to prevent the entry of adulterated products into commerce. Furthermore, the FMIA provides FSIS the authority to appoint inspectors to examine and inspect the method by which livestock are slaughtered and handled at slaughtering establishments.

The HMSA provides that 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.

Under the authority of the Acts, FSIS has prescribed rules and regulations required for establishments slaughtering and handling livestock, as required by 9 CFR Part 313. FSIS has also developed the Rules of Practice regarding administrative enforcement, 9 CFR Part 500. The Rules of Practice describe the types of enforcement actions 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 inspection. Specifically, 9 CFR 500.3(b) states that FSIS may impose a suspension without providing prior notification due to handling or slaughtering of animals inhumanely.

#### **Findings/Basis for Action**

On August 24, 2023, at approximately 0906 hours your personnel moved the last USDA porcine into the knock box. The initial electrical stun attempt was immediately effective at rendering the animal insensible (routine procedure of two stuns behind the ears). The animal was observed to collapse, with no righting reflex, and inactive eyes. The side of the knock box was raised and as is routine a thoracic stun was attempted. The electrical wand did not work. The electrical generator box on the wall had lost power. Instead of immediately going to their back-up device, your personnel attempted to restore power to the box, but were not successful. Several minutes passed before your personnel got the captive bolt device ready. By this time, USDA IPP observed the animal had regained consciousness, lifting its head (righting reflex), with tracking eye movement. The handheld captive bolt corrective action stun was effective at approximately 0909, rendering the animal insensible, and it remained so thereafter. U.S. Rejected tag #B28861082 was assigned to the knock box by USDA IPP, and William "Rod" Kuegel, Establishment Owner, was notified of the non-compliance and of the regulatory control action.

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). On September 24, 2020, FSIS released FSIS Directive 6900.2 Revision 3, entitled, *"Humane Handling and Slaughter of Livestock."* Additionally, on October 23, 2013, FSIS introduced new guidance, titled *"FSIS Compliance Guide for a Systematic Approach to the Humane Handling of Livestock."* Within the guidance material is information intended to better ensure the humane treatment of livestock presented for slaughter. The guidance material provides a set of practices designed to minimize excitement, discomfort, and accidental injury regarding the humane handling of livestock to include the four components of a robust systematic approach to humane handling.

William Kuegel, Owner  
Beef and Bacon, Est. M54271

Notice of Suspension  
August 24, 2023

When an establishment maintains a robust humane handling program, FSIS can exercise regulatory discretion when an inhumane handling or slaughter incident is observed. You do not currently maintain a written humane handling program for consideration.

### **Summary and Conclusion**

Provisions of the FMIA outline FSIS' ability to refuse to render inspection and indefinitely withdraw inspection from an establishment, provided the establishment is afforded the right to an administrative hearing, when conditions exist where the slaughter and/or handling of livestock was not by a method in accordance with the Act(s). Evidence demonstrates your failure to meet regulatory requirements addressed in 9 CFR 313.30(a)(4), constituting a violation of the humane slaughter requirements, and supporting the conclusion that your handling of livestock violated the provisions of the FMIA and HMSA.

Please provide a written response, inclusive of written corrective action and preventative measures, by addressing the following:

- Evaluate and identify the nature, cause of the incident.
- Describe the specific actions taken to eliminate the cause of the incident and prevent future recurrences.
- Describe specific monitoring activities planned to ensure future compliance.
- Provide any supporting documentation and records maintained and/or associated with the proposed corrective actions and preventative measures.

A determination of further administrative action will be made upon receipt and review of your submitted corrective actions and preventative measures. 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 production of or adulterated products at your establishment. Please be advised that your failure to respond adequately to these issues may result in our initiating action to withdraw inspection from your establishment.

### **Appeal and Hearing Rights**

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

Melissa Moore  
Executive Associate for Regulatory Operations  
Office of Field Operations  
Food Safety and Inspection Service  
United States Department of Agriculture  
SB, Room 3160  
1400 Independence Avenue, SW  
Washington, DC 20250  
Email: [melissa.moore1@usda.gov](mailto:melissa.moore1@usda.gov)  
Phone: (202) 450-0330

William Kuegel, Owner  
Beef and Bacon, Est. M54271

Notice of Suspension  
August 24, 2023

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 (EOS)  
Office of Investigation, Enforcement and Audit (OIEA)  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 3753, SB - Room 2148  
1400 Independence Avenue, SW  
Washington, DC 20250  
Telephone: (202) 418-8872  
Facsimile: (202) 245-5097  
E-mail: [AEBCorrespondence@usda.gov](mailto:AEBCorrespondence@usda.gov)

If you have any questions, please contact Dr. Larry Davis via telephone at (601) 863-4206 or via electronic mail at [larry.davis4@usda.gov](mailto:larry.davis4@usda.gov). Additionally, you can contact the Jackson District Office at (601) 965-4312 or by fax at (601) 965-5901.

Sincerely,  
**KERMIT  
HARVEY**

*for:*

Dr. Larry Davis  
District Manager

Digitally signed by KERMIT  
HARVEY  
Date: 2023.08.24 13:10:33  
-05'00'

William Kuegel, Owner  
Beef and Bacon, Est. M54271

Notice of Suspension  
August 24, 2023

Cc: Ms. Melissa Moore, EARO  
(b) (6) Humane Handling Enforcement Coordinator  
Mr. Larry Hortert, OIEA Regional Director  
Dr. Larry Davis, DM  
Dr. Kermit Harvey, DDM  
Ms. Cheryl Henry, DDM  
Dr. Erin Moses, DDM  
(b) (6) SEIAO  
(b) (6) DCS  
(b) (6) DVMS  
(b) (6) FLS  
(b) (6) SPHV  
(b) (6) CSI  
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