



Food Safety and Inspection  
Service

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

September 1, 2023

Beef and Bacon  
Est. M54271  
2887 McGee Chapel Road  
Calhoun, Kentucky 42327

ELECTRONIC MAIL on September 1, 2023  
FEDEX TRACKING #773283803361

(b) (6) @gmail.com  
270-929-0280

Attention: Mr. William Kuegel, Owner

### **NOTICE OF SUSPENSION HELD IN ABEYANCE**

On August 24, 2023, the Food Safety and Inspection Service (FSIS) issued a Notice of Suspension to your establishment 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 Road, Calhoun, KY. This action included your Slaughter Hazard Analysis Critical Control Point (HACCP) processes employed at your establishment. The decision to institute this enforcement action was 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 demonstrated 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).

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 August 24 and August 31, 2023, you submitted written responses with corrective actions and preventive measures to meet regulatory requirements. The Jackson District Office (JDO) analyzed your responses and advised you that the proffered corrective actions and preventive measures were not adequate. Requests for clarification and additional information was sent via electronic mail from the JDO to your establishment on August 24 and August 31, 2023.

William Kuegel, Owner  
Beef and Bacon, Est. M54271

Notice of Suspension Held in Abeyance  
September 1, 2023

On September 1, 2023, you submitted all clarification and additional information with written corrective actions and preventive measures to meet regulatory requirements. The Jackson District Office analyzed your proffered corrective actions and preventive measures and determined that the response adequately addressed the identified issues. On September 1, 2023, at approximately 12:30 PM CST, the FSIS Jackson District Office verbally informed you of FSIS's decision to hold the suspension in abeyance. This letter is to formally inform you of this action.

A copy of the FSIS Verification Plan (VP) will be provided to assist you in understanding the nature and importance of the Agency's verification activities. The FSIS Verification Plan is designed to verify that your establishment properly implements the revisions to its humane handling of animals and other corrective actions and preventive measures stated in your August 24, August 31, and September 1, 2023, responses and that these revisions and corrective actions and preventive measures are effective in ensuring future regulatory compliance. The FSIS Verification Plan identifies your corrective actions, the regulatory requirement(s), and the PHIS Task under which FSIS officials will verify the implementation and effectiveness of your proffered action plan. Only FSIS can amend the verification plan and any modifications to your submitted acceptable corrective actions made during the abeyance period will need to be submitted in writing to FSIS for verification of compliance prior to implementation by your establishment.

Please be advised that this suspension of inspection at your establishment will remain in Abeyance pending verification by FSIS that your proposed corrective actions and preventive measures have been implemented and are effective in ensuring future regulatory compliance. Agency personnel will begin immediate verification of your corrective actions and preventive measures.

It is important for you to understand that FSIS has the responsibility to initiate action if your establishment fails to operate in accordance with the regulations, or conditions occur that do not comply with the Humane Methods of Slaughter Act. In these situations, FSIS personnel will take regulatory control of product or other appropriate action.

Please be further advised that as a federally inspected establishment, you are expected to comply with the Federal Meat Inspection Act and the Humane Methods of Slaughter Act, and all applicable regulations and other requirements concerning the preparation, sale, and transportation of meat products. Failure to comply with these requirements or to effectively implement the measures addressed in your responses, dated August 24, August 31, and September 1, 2023, could result in the immediate suspension of inspection at your establishment or other appropriate action(s).

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**

Digitally signed by  
KERMIT HARVEY  
Date: 2023.09.01  
12:44:27 -05'00'

*for:*

Dr. Larry Davis  
District Manager  
Jackson District Office

William Kuegel, Owner  
Beef and Bacon, Est. M54271

Notice of Suspension Held in Abeyance  
September 1, 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 at Est. M54271  
(b) (6), CSI at Est. M54271  
FO/Quarterly Reports