



May 23, 2023

National Beef Packing Co., L.L.C.
M208A
1501 East 8th Street, Liberal, KS 67905
dennis.boyles@nationalbeef.com
(620) 624-1851

ELECTRONIC MAIL on May 22, 2023
FEDEX TRACKING 7722 2477 2124

Attention: Dennis Boyles, Plant Manager

NOTICE OF DEFERRAL

On May 16, 2022, the Food Safety and Inspection Service (FSIS) issued a Notice of Intended Enforcement (NOIE) to Est. M208A, National Beef Packing Co., L.L.C, located at 1501 East 8th Street, Liberal, KS 67905. The NOIE informed you of our intent to withhold the mark of inspection and suspend the assignment of inspection personnel with prior notification for your Slaughter Hazard Analysis and Critical Control Point (HACCP) processes. The decision to institute this enforcement action was in accordance with Title 9 Code of Federal Regulations (9 CFR), Part 500.3 (b) (Rules of Practice) based on the determination that your establishment did not handle or slaughter animals humanely and comply with the FSIS regulatory requirements as set forth in 9 CFR 313.15(a)(1).

On May 17, 2023, you requested to discuss concerns with the NOIE. On May 18, 2023, after discussing the concerns, you verbally requested and were granted an extension to the response until close of business on May 22, 2023. On May 22, you provided a written (and final) response (Action Plan) to the NOIE.

After analyzing your Action Plan, including all information and revisions, FSIS has determined that your establishment has addressed all the issues identified in the NOIE. At this time, FSIS will defer the decision on any further enforcement action pending the assessment and verification of your plan's implementation by FSIS inspection personnel to determine regulatory compliance. A copy of FSIS's Verification Plan is being shared with you to assist in understanding the nature and importance of the Agency's verification activities. This FSIS Verification Plan is designed to verify that your establishment fully implements the corrective actions identified in your Action Plan, and that the measures proffered are effective in assuring ongoing regulatory compliance. It identifies the regulatory noncompliance, your actions, and FSIS verification procedures.

Please be advised that your failure to comply with the regulatory requirements, to implement the corrective actions identified in the Action Plan, and/or failure to notify this office in writing of any changes to the Action Plan may result in our initiating further regulatory action as deemed necessary at the time. **During this period of deferral, any changes made to the Action Plan need to be submitted to this office for review and comment prior to you putting the changes into place.** FSIS inspection program personnel will notify the Frontline Supervisor and the

Dennis Boyles, Plant Manager
National Beef Packing Co., L.L.C., M208A

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District Office immediately when modifications are made to the Action Plan and your establishment fails to notify this office.

If you have any questions, please contact Dr. Evan Sumner via telephone at 479-717-5023 or via 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,



For
Jeffery Barham
District Manager

cc: Mr. Paul Wolseley, EARO
Mr. Jeffery Barham, DM
(b) (6) Humane Handling Enforcement Coordinator
Mr. Shaun Smith, OIEA Regional Director
Dr. Don Dowdle, DDM
Dr. Evan Sumner, DDM
Dr. Daran (Curtis) Stovall, DDM
(b) (6) SEIAO
(b) (6) Acting SEIAO
(b) (6) DCS
(b) (6) DVMS
(b) (6) FLS
(b) (6) SPHV, at M208A
FO/Quarterly Reports

FSIS Verification Plan

National Beef Packing Co., L.L.C. (M208A)

		Background that led to enforcement action (Bkgd)
		Related Regulations (Reg)
		Establishment Action Plan (AP)
		Related Establishment Records (Rec)
		FSIS Verification Activity (VA)
		Frequency of Verification Activity (Freq)
		Related PHIS Task (PHIS)
VP1	Bkgd	As in NR LLG0910052516N, IPP observed an establishment employee attempt to stun an animal three times with a compressed air captive bolt . The animal strenuously shook its head back and forth and eyes tracking after each attempt. The establishment supervisor was able to sucessfully render the animal unconscious with the fourth attempt.
	Reg	9 CFR 313.5(a)(1)
	AP	The establishment modified their Robust Systematic Animal Welfare Program to include a criteria that "Knocking employee(s) observed mis-knocking cattle resulting in an egregious event are removed from all knocking responsibilities until re-trained and reassessed by Crop. Tech Services."
	Rec	Robust Systematic Animal Welfare Program
	VA	Verify through review and observation that the establishment is following its Robust Systematic Animal Welfare program including modifications.
	Freq	Daily on each shift when slaughtering.
	PHIS	Livestock Humane Handling
VP2	Bkgd	As in NR LLG0910052516N, IPP observed an establishment employee attempt to stun an animal three times with a compressed air captive bolt . The animal strenuously shook its head back and forth and eyes tracking after each attempt. The establishment supervisor was able to sucessfully render the animal unconscious with the fourth attempt.
	Reg	9 CFR 313.5(a)(1)
	AP	The establishment retrained all knocking employees, operation management, QA techs, and QA management (with responsibilities in monitoring knocking) were retrained on their responsibilities of stunning cattle at the restrainer.
	Rec	Knocker Retraining (Revised February 6, 2023)
	VA	Verify through record review that all knocking employees, QA techs, QA management, or operational management with responsibilities in monitoring knocking were retrained initially. Verify through record review that any newly hired/promoted employees for knocking or QA techs, QA management or operational management with responsibilities in monitoring knocking are trained.
	Freq	Initially and then every two weeks.
	PHIS	Livestock Humane Handling
VP3	Bkgd	As in NR LLG0910052516N, IPP observed an establishment employee attempt to stun an animal three times with a compressed air captive bolt . The animal strenuously shook its head back and forth and eyes tracking after each attempt. The establishment supervisor was able to sucessfully render the animal unconscious with the fourth attempt.
	Reg	9 CFR 313.5(a)(1)
	AP	The establishment modified their Robust Systematic Animal Welfare Program to include a criteria that "Knocking employee(s) observed mis-knocking cattle resulting in an egregious event are removed from all knocking responsibilities until re-trained and reassessed by Crop. Tech Services."
	Rec	Robust Systematic Animal Welfare Program
	VA	Verify that the establishment modified their Robust Systematic Animal Welfare Program to include the criteria that any ineffective knocking attempts resulting in an egregious event are removed from knocking responsibilities until retrained and reassessed.
	Freq	Once
	PHIS	Livestock Humane Handling