USDA

United States Department of Agriculture

Food Safety and
Inspection Service
Office of Field
Operations
Jackson District Office
713 S Pear Orchard Rd,
Plaza 2, Suite 402
Ridgeland, MS 39157

May 29, 2020

Via Email: carla5006@att.net

Ms. Carla Courtney, Co-Owner
C & W Meat Packers, Est. M21190
318 West Pearl Street
Cynthiana, KY 41031

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Ms. Courtney:

On May 8, 2020, a "Notice of Suspension" was issued to suspend the assignment of inspectors for your federal slaughter activities at C & W Meat Packers, Est. M21190. This action was based on your establishment's failure to handle livestock humanely according to 9 CFR Part 313. Specifically, on May 8, 2020, at approximately 0935 hours, an ineffective stun attempt was observed during the second inspected beef slaughter of the day at C&W Meat Packers, Est. M21190. The animal was secured in the catch chute when the first stunning attempt from a .22 magnum rifle occurred. The animal raised its head and consciously vocalized, remaining on all four feet. With the second stunning attempt, the animal dropped to its front knees, consciously vocalized, and raised up to stand on all four feet. With the third stunning attempt the animal again dropped to its front knees, brought itself back to a standing position on all four feet. At this point, the animal was tracking movement with his eyes and was consciously vocalizing. With the fourth stunning attempt, the animal dropped to the floor and was insensible. There was no conscious tracking of the eyes, no vocalization, and no movement from the animal. The animal was observed to remain insensible thereafter. The CSI informed Mr. Wayne Courtney and Ms. Carla Courtney, Co-Owners of C&W Meat Packers, of this noncompliance. USDA Reject tag number B23822305 was placed on the restrainer. The establishment does have a written robust animal handling plan in place.

On May 14, 2020, you submitted your first response with written corrective actions and preventive measures to meet the requirements of the Humane Methods of Slaughter Act. The Jackson District Office analyzed your response and advised you that the proffered corrective actions and preventive measures were not adequate. Specifically, you were informed that you should provide verifiable posting of stun landmark charts, weapon cleaning standard operating procedures (SOP) and/or verifiable log for such, ammunition selection SOP and/or verifiable log for such, ammunition dry storage SOP and or verifiable log for such, with a "first in first out" usage SOP and/or log.

On May 19, 2020, you submitted your second response with written corrective actions and preventive measures to meet the requirements of the Humane Methods of Slaughter Act. The Jackson District Office analyzed your response and advised you that the

proffered corrective actions and preventive measures were not adequate. Specifically, you were informed that you should provide the frequency on how often the moisture bags would be changed out in your dry box; provide the frequency on the monitoring of your Ammo Check List which would include initials and signatures; provide the frequency on how often you will log cleaning and/or inspection on your Gun Cleaning Schedule Log; provide the frequency on how often you will inspect and clean your stun weapon; how often will you verify your employees' review of the stun landmark charts; and provide verifiable training materials and logs showing date, names, and initial/dating of employee(s) trained and when the training was performed.

On May 27, 2020, you submitted your third response with written corrective actions and preventive measures to meet the requirements of the Humane Methods of Slaughter Act. The Jackson District Office analyzed your response and advised you that the proffered corrective actions and preventive measures were not adequate. Specifically, you were again informed that you should provide the frequency on how often the moisture bags would be changed out in your dry box; provide the frequency on the monitoring of your Ammo Check List which would include initials and signatures; provide the frequency on how often you will log cleaning and/or inspection on your Gun Cleaning Schedule Log; provide the frequency on how often you will inspect and clean your stun weapon; how often will you verify your employees' review of the stun landmark charts; and provide verifiable training materials and logs showing date, names, and initial/dating of employee(s) trained and when the training was performed.

On May 28, 2020, you provided your fourth response. The Jackson District Office analyzed your response and determined that the response adequately addressed the identified issues. On May 29, 2020, at 9:00 AM CDT, the Deputy District Manager telephoned you and verbally notified you that the corrective actions and preventive measures you proffered were adequate to meet the requirements to place C&W Meat Packers Est. M21190, under a "Notice of Suspension Held in Abeyance." This letter formally informs you of this action. Specifically, you stated all newly purchased ammunition will be checked when purchased and two rounds from each 50 count will be selected at random then test fire with the results recorded; you stated receipts will be kept to match (kept with) ammunition in storage to ensure oldest ammunition is used first; you stated that ammunition will be stored in a dry box and not on the kill floor; you stated the ammunition dry box shall contain moisture control bags to keep the ammunition dry; you stated that the moisture control bags will be changed out in the dry box using the manufacturer's recommendations which recommends the moisture control bags be changed when the granules in the bag turn to gel; you stated that the ammunition brought to the kill floor will be segregated and kept in smaller box and if unused, it will be returned to the dry box; you stated these procedures will be reflected by the entries on your Ammo Check List with initials or signatures and dates at each USDA inspected slaughter; you stated you will follow a "first in-first out" ammo use procedure SOP; you stated each slaughter day will have ammunition used and or returned to the dry box and recorded as such; you stated the dry box for ammunition will be stored in the office area; you provided your Ammo Chart which includes ammo out type, ammo used, ammo in type, initials, date, time, and bags changed or dried; you stated that you will inspect and clean the stun weapon after 15-20 shots or weekly, whichever comes first; you stated that you will perform log cleaning and/or inspection on your "Gun Cleaning Schedule Log" after 15-20 shots or weekly, whichever comes first; you provided landmark charts for your establishment's slaughter species and stated that the stun landmark charts will be posted on the kill floor for your employees to review; you stated that employee review of the stun landmark charts will be verified at each slaughter day and change of species; you provided your ammunition usage per species SOP; you provided your employee training logs; you stated that each training requirement by a stunning trainee will be recorded on the training log with the initials of the trainer and trainee; you stated that your employees will be trained on weapon/ ammunition SOP/selection per species slaughter, firearm safety and call-out procedure, slaughter floor

safety, gun cleaning and storage, ammunition storage SOP, and stun landmark charts for each species slaughtered on premises under federal inspection; you stated that your employee refresher training will be performed annually by management; you stated that new hired employees will be trained on all training materials by either other trained plant employees or plant management; and you stated that your employees were given refresher courses on gun safety, ammo storage, and gun cleaning.

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 fully implements the revisions to its humane handling of animals and other corrective actions and preventive measures stated in your May 14, May 19, May 27, and May 28, 2020, 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.

Please be further advise 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 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 May 14, May 19, May 27, and May 28, 2020, could result in the immediate suspension of inspection at your establishment or other appropriate action(s).

If you have any questions about this action, please contact the Jackson District Office at (601) 965-4312.

Sincerely,

DONALD FICKEY Digitally signed by DONALD FICKEY Date: 2020.05.29 09:48:02 -05'00' /FOR

Dr. Larry Davis
District Manager
Jackson District Office