



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations

Springdale District

4700 S. Thompson
Suite B-201
Springdale, AR 72764
Voice 479-751-8412
Fax 479-751-9049

July 15, 2020

Via Email: Baumans@privategarden.org
FedEx Tracking # 770957946142

Ms. Roseanna Bauman, Plant Manager
Bauman's Butcher Block, Est. M51184
2417 Haskey Rd
Ottawa, Kansas 66067

NOTICE OF SUSPENSION

Dear Ms. Bauman,

This serves as official notification by the Food Safety and Inspection Service (FSIS) of the Suspension of the Assignment of Inspection personnel at Establishment M51154, Bauman's Butcher Block, located at 2417 Haskey Road, Ottawa, Kansas 66067, as per Regulations 500.3(b) (Rules of Practice). This Notice of Suspension is based on your failure to prevent inhumane handling and slaughter of livestock at your facility.

Background / Authority

The Humane Method of Slaughter Act of 1978 (7 U.S.C. 1901-1906) states: The 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 the products and economics in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and live products in interstate and foreign commerce. It is therefore declared to be the policy of the United States that slaughtering of livestock and handling of livestock in connection with slaughter shall be carried out only by humane methods.

FSIS has developed Rules of Practice regarding enforcement (9 CFR Part 500) that 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 grant of Federal inspection. As per the Code of Federal Regulations 9 CFR 500.3(b), FSIS may impose a suspension without providing the establishment prior notification because the establishment is handling or slaughtering animals inhumanely.

The Federal Meat Inspection Act (FMIA) (21 U.S.C. 603 et seq.) states: For the purpose of preventing the inhumane slaughtering of livestock, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the method by which cattle, sheep, swine, goats, horses, mules, or other equines are slaughtered and handled in connection with slaughter in the slaughtering

Ms. Roseanna Bauman, Plant Manager
Bauman's Butcher Block, Est. M51184
Notice of Suspension
July 15, 2020
Page 2 of 4

establishments inspected under this Act. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with sections 1901 to 1906 of Title 7 until the establishment furnishes assurances satisfactory to the Secretary that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such a method.

Findings / Basis for Action

As documented in MOI TPK2111071114G, at approximately 0845 hours on June 14, 2020, FSIS Inspection Program Personnel (IPP) observed a stun failure on a hog in your establishment's slaughter area. An establishment employee attempted to shoot a hog, while in the cattle knock box, with a .22 caliber rifle. (b) (6) and (b) (6) were standing behind a door outside of the knock box. FSIS personnel heard the first gunshot followed by vocalization which lasted approximately 3 seconds before another shot was heard followed by vocalization. At that point, the CSI walked around to the knocking box door when he heard another shot. The CSI observed the hog roll onto the kill room floor from the knock box unconscious. The CSI notified Mr. John Bauman, owner, of USDA taking a regulatory control by suspending the slaughter operation and hung a U.S. Reject Tag # B 30 365435 on the knock box. Miss Rosana Bauman stated there were 3 shots total fired to render the animal unconscious and they did not have a robust humane handling system in place. The establishment split the skull for FSIS examination and 3 bullet holes were observed: 1 on the forehead area, 1 on the left side, one to the back of the skull. The CSI immediately contacted (b) (6) and the (b) (6) of the incident. The CSI informed Miss Bauman corrective actions are needed on how they are going to prevent this occurrence.

Conclusion

Your establishment failed to comply with 9 CFR 313.16(a)(1) and 313.16(a)(3), the Humane Slaughter Act (section 1902), and the Federal Meat Inspection Act (21 U.S.C. 603(b)). IPP verbally notified you that inspection operations were suspended at your establishment on July 14, 2020 and took a regulatory control action by applying U.S. Rejected Tag No. B 30 365435 to the knock box.

Therefore, in accordance with FSIS Rules of Practice, 9 CFR 500.3(b), we are formally notifying you of the suspension of the assignment of inspection personnel at your facility. The suspension will remain in effect until you provide adequate written corrective and preventive measures to assure that all livestock at your facility will be handles in a humane manner during slaughter. We will determine further action, if any, based upon your response. Your response should include:

1. Your description of the details of the incident.
2. An initial assessment of the incident and determination of the cause.

Ms. Roseanna Bauman, Plant Manager
Bauman's Butcher Block, Est. M51184
Notice of Suspension
July 15, 2020
Page 3 of 4

3. Immediate corrective actions taken.
4. Measures to prevent recurrence.
5. Any training of employees and material used.
6. Type of monitoring activity for future stunning of livestock, along with a record for documentation.

In accordance with 9 CFR 500.5(d), you may request a hearing concerning this actin by contacting:

Scott C. Safian, Director
Enforcement and Litigation Division
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
United States Department of Agriculture
Stop Code 3753, PP3, Cubicle 9-235A
1400 Independence Avenue, SW
Washington, DC 20250
Voice: (202) 418-8872
Fax: (202) 245-5097

You may appeal this decision by contacting:

U.S. Department of Agriculture
Food Safety and Inspection Service
Attention: Geraldine French, Acting Executive Associate for Regulatory Operations
1400 Independence Avenue, SW
Room 344-E, Whitten Building
Washington, DC 20250
Phone: (202) 205-0001

If you have any questions, please contact the Springdale District Office.

Sincerely,



Dr. Don Dowdle
Acting District Manager

cc: Ms. Geraldine French, Acting EARO
Dr. Evan Sumner, DDM
Dr. Don Dowdle, DDM
Mr. Jeffery Barham, DDM

Ms. Roseanna Bauman, Plant Manager
Bauman's Butcher Block, Est. M51184
Notice of Suspension
July 15, 2020
Page 4 of 4

(b) (6)



FO/Quarterly Reports