



Food Safety and
Inspection Service

Office of Field
Operations

Springdale District
Office

4700 South
Thompson, B-201
Springdale, AR 72764
Voice 479-751-8412
Fax 479-751-9049

October 18, 2019

Via Email: matt@walnutvalleypacking.com
FedEx Tracking: 776753873508

Mr. Matt Carseloway, Plant Manager
Walnut Valley Packing, Est. MP32007
1000 South Main Street
El Dorado, Kansas 67042

NOTICE OF SUSPENSION

Dear Mr. Carseloway,

This serves as official notification by the Food Safety and Inspection Service (FSIS) of the suspension of the assignment of inspection personnel related to your Slaughter process at Est. M32007 P32007, Walnut Valley Packing, located at 1000 South Main Street, El Dorado, Kansas 67042, as per Regulations 500.3(b) (Rules of Practice). This Notice of Suspension (NOS) is based on your failure to prevent inhumane handling and slaughter of livestock at your facility as required by 9 CFR 313.16(a)(1) and 313.16(a)(3).

Background / Authority

In 7 U.S.C. 1901, the Humane Methods of Slaughter Act (Humane Slaughter Act) 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 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.*

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 Title 9 of 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.

In 21 U.S.C. 603(b), the Federal Meat Inspection Act (FMIA) 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*

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by which amenable species are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this chapter. 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 the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901-1906) 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

On October 17, 2019, (b) (6) observed the following inhumane handling incident, which he subsequently documented in an MOI:

At approximately 2:33 pm today, while verifying HATS Category VIII (stunning effectiveness) a plant employee attempted to stun a market hog with a hand-held captive bolt device. The establishment was not using its normal stunning restraint cage but rather attempted the stunning in a hallway using a sorting board in an effort to limit that animal's free movement. After the initial stunning attempt, the animal vocalized and remained standing. The plant employee left the area to retrieve a .22 magnum rifle. On the second stunning attempt with the rifle, the animal again vocalized and remained standing. The third stunning attempt effectively rendered the hog unconscious. I implemented a regulatory control action to prevent the slaughter of additional animals by tagging the knock box with U.S. Reject Tag B15478327. I then left the slaughter floor to notify establishment management of the situation and advised plant management the regulatory control action would remain in place. I also advised plant management that due to the seriousness of this matter, an immediate suspension was being take and I was alerting the District Office of the suspension.

As documented in the MOI dated 10/17/2019 and in this letter, your establishment failed to comply with 9 CFR 313.16(a)(1), 313.16(a)(3), the Humane Slaughter Act (section 1902), and the Federal Meat Inspection Act (21 U.S.C. 603(b)).

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 at your facility. The Notice of Suspension action will remain in effect until you provide adequate written corrective and preventive measures to assure that all livestock at your facility will be handled in a humane manner during slaughter. We will determine further action, if any, based upon your response. Your response should include:

1. An initial assessment of the incident, and determination of the cause.
2. Immediate corrective actions taken.
3. Preventive measures to prevent recurrence.
4. Any training of employees and materials used.
5. Type of monitoring activity for future stunning of livestock, along with a documentation record.

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

Scott C. Safian, Director, ELD
USDA, Food Safety and Inspection Service
Office of Investigation, Enforcement, and Audit
Evaluation and Litigation Division
Stop Code 3753 PP3, Cubicle 9-235A
1400 Independence Ave, SW
Washington, DC 20250
Phone: (202) 418-8872

You may appeal this decision by contacting:

U.S. Department of Agriculture Food Safety
and Inspection Service
Attention: Gerladine 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 this office.

Sincerely,



Robert Q. Bane
District Manager

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

(b) (6)



FO/Quarterly Reports