



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations

Springdale District

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December 4, 2019

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FedEx Tracking: 777153159001

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Callicrate Cattle Co., Est. M40432
940 Rd.12
St. Francis, KS 67756
(785) 332-3344

NOTICE OF SUSPENSION

Dear (b) (6)

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. M40432, Callicrate Cattle Co., located at 940 Rd.12, St. Francis, KS 67756, 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*

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inspection of the method 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 December 4, 2019, (b) (6) documented the following inhumane handling incident in MOI XQR4414123704G:

Today, December 4, 2019, at approximately 1115 hours, I verbally notified Mrs. Jenice Callicrate, Production Manager, of my decision to take a regulatory control action at the knocking box Callicrate Cattle Company (M40432) in St. Francis, KS.

I advised Mrs. Callicrate that I was also contacting the District Office about the suspension action and that the District Office would be following up with a written suspension letter to the establishment. I based my decision to suspend inspection at the establishment on the following:

At approximately 1115 hours, while performing Humane Handling verifications (HATS Category VIII), the establishment attempted to stun a heifer (ET 225) using a firearm. After the initial gunshot, the animal went down but was still showing rhythmic breathing and its eyes were moving. The establishment employee then delivered a second gunshot to the animal after which the animal stood up in the knock box and was moving its eyes and head. The employee then delivered a third gunshot which rendered the animal insensible.

I notified Mrs. Callicrate that I was implementing a regulatory control action to prevent the slaughter of animals until the inhumane stunning issue could be addressed. I placed U.S. Retain Tag #B- 30135842 on the knocking box. I advised Mrs. Callicrate the regulatory control action to stop further stunning would remain in place. I also advised her that due to the seriousness of this matter, an immediate suspension was being taken and that I was alerting the District Office of the suspension.

As documented in the MOI XQR4414123704G, dated 12/4/2019, and in this letter, your establishment failed to comply with 9 CFR 313.16(a)(1) and 313.16(a)(3), the Humane Slaughter

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Act (section 1902), and the Federal Meat Inspection Act (21 U.S.C. 603(b)).

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(b) (6) verbally notified you of this suspension on 12/4/2019.

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

In accordance with 9 CFR 500.5(d), you may request a hearing concerning this action 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 this office.

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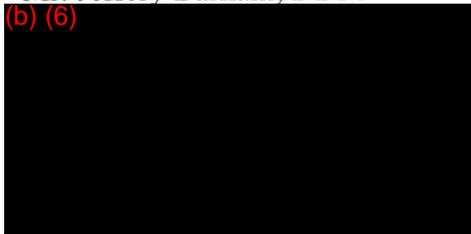
Sincerely,



Robert Q. Bane
District Manager

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

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FO/Quarterly Reports