



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations

Springdale District

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Springdale, AR 72764
Voice 479-751-8412
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March 31, 2020

Via Email: Jrobinson@republic-foods.com
FedEx Tracking: 770142639711

Mr. Jeremy Robinson, Owner
Valley Oaks Steak Company, Est. M46017
1921 W. 50 Hwy
Lone Jack, MO 64070

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Robinson,

On March 30, 2020, the Food Safety and Inspection Service (FSIS) notified you of the suspension of the assignment of inspection personnel at your facility. This Notice of Suspension (NOS) was based on the Rules of Practice specified in Title 9 Code of Federal Regulations (CFR) 500.3(b) due to your establishment's failure to prevent inhumane handling and slaughtering of livestock at your facility as required by 9 CFR 313.15(a)(1), 313.15(a)(3), 313.16(a)(1), and 313.16(a)(3).

On March 30, 2020, you provided a written response (Action Plan) to the NOS via email, beginning a dialogue with FSIS that concluded with your final Action Plan submission on March 30, 2020. FSIS analyzed the corrective and preventive measures provided in your Action Plan and subsequent revisions and determined they represented compliance or the intent to comply with all applicable regulations. Therefore, FSIS will hold the suspension in abeyance pending verification by FSIS personnel that your Action Plan is effectively implemented. You were verbally notified of the suspension being held in abeyance on March 30, 2020, and this letter serves as formal, written notification of the same.

An abeyance is a moratorium on the effect of a suspension. Once a suspension is imposed, the Agency may put it into abeyance if the establishment undertakes corrective and preventive actions that the Agency finds will ensure that the conditions that were the basis for the suspension will be eliminated, and the Action Plan is effectively implemented. During the abeyance period, FSIS personnel will evaluate your corrective and preventive actions to ensure their effectiveness.

A copy of the FSIS 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 Action Plan identified in your proposal and subsequent clarifications, and that measures proffered are effective in assuring ongoing regulatory compliance. It identifies the regulatory noncompliance, your actions, and FSIS verification procedures.

Mr. Jeremy Robinson, Owner
Valley Oaks Steak Company, Est. M46017
Notice of Suspension Held in Abeyance
March 31, 2020
Page 2 of 2

Please be advised that your failure to comply with statutory and 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 us initiating further regulatory action as deemed necessary at the time. **During this period of abeyance, 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 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 this office.

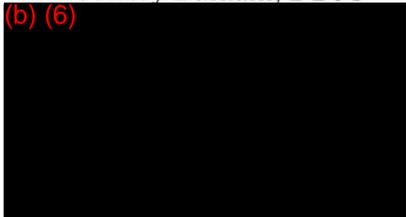
Sincerely,



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

FSIS Verification Plan

Valley Oaks Steak Company (Est. M46017)

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)

On 3/30/2020, est. employees attempted to knock a horned Hereford bull two times with the handheld captive bolt device. IPP subsequently observed the bull standing and conscious in the knock box, with blood coming from its nose. The head catch was not in use. The stun operator then used a .357 pistol, and the bull went down but it remained conscious. Another stun operator then used the compressed air device, but the bull continued to have normal breathing, eye movements, and blinking. The compressed air device was used again, rendering the bull unconscious.

9 CFR 313.15(a)(1), 313.15(a)(3), 313.16(a)(1), and 313.16(a)(3)

VP1

The animal welfare plan will be updated with a provision that a 12-gauge shotgun with slugs will be used for knocking all bulls or cattle that have larger, thicker skulls.

Animal welfare plan

Review the animal welfare plan prior to resumption of inspected activities (once) to ensure provision for 12-gauge shotgun has been included. Observe evaluation and knocking of larger animals twice per week (depending on availability) to verify that the establishment is correctly evaluating which animals to use the shotgun on, and that the shotgun is used in accordance with the written program.

Once (review animal welfare plan); Twice per week (observe larger animals).

Livestock Humane Handling

On 3/30/2020, est. employees attempted to knock a horned Hereford bull two times with the handheld captive bolt device. IPP subsequently observed the bull standing and conscious in the knock box, with blood coming from its nose. The head catch was not in use. The stun operator then used a .357 pistol, and the bull went down but it remained conscious. Another stun operator then used the compressed air device, but the bull continued to have normal breathing, eye movements, and blinking. The compressed air device was used again, rendering the bull unconscious.

9 CFR 313.15(a)(1), 313.15(a)(3), 313.16(a)(1), and 313.16(a)(3)

VP2

The knocking employees will be trained on proper operation of the 12-gauge shotgun with slugs. Knockers will practice shooting a few skulls or simulated skulls approximately 4" from the muzzle of the shotgun

Republic Foods Training Roster

Observe training if possible (excluding live fire practice) initially and for any new trainees during the verification period. Review training records to verify that all employees conducting knocking activities have received training.

Once per week.

Livestock Humane Handling

	<p>On 3/30/2020, est. employees attempted to knock a horned Hereford bull two times with the handheld captive bolt device. IPP subsequently observed the bull standing and conscious in the knock box, with blood coming from its nose. The head catch was not in use. The stun operator then used a .357 pistol, and the bull went down but it remained conscious. Another stun operator then used the compressed air device, but the bull continued to have normal breathing, eye movements, and blinking. The compressed air device was used again, rendering the bull unconscious.</p>
VP3	<p>9 CFR 313.15(a)(1), 313.15(a)(3), 313.16(a)(1), and 313.16(a)(3)</p>
	<p>We will continue performing 4 head audits in the morning and 4 in the afternoon to record where knock contact is made.</p>
	<p>Head Audit</p>
	<p>Observe head audit to verify shot placement and that the proper method was used based on the thickness of the skull. Review Head Audit records to verify that audits are being conducted as specified in the Action Plan.</p>
	<p>Twice per week</p>
	<p>Livestock Humane Handling</p>