



United States Department of Agriculture

Food Safety and
Inspection Service

September 23, 2019

Office of Field
Operations
Denver District Office

**SENT VIA FEDEX &
ELECTRONIC MAIL**

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Center, Bldg. 45
P.O. Box 25387
Denver, CO 80225

Tyson Foods Inc.
Establishment M245L
1500 Plum Creek Pkwy
Lexington, NE 68850

Voice (303) 236-9800
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NOTICE OF SUSPENSION HELD IN ABEYANCE (NOSHA)

Attention: (b) (6)

On September 23, 2019, the Food Safety and Inspection Service (FSIS), Denver District Office (DDO), verbally notified your establishment of the withholding of the marks of inspection and suspension of the assignment of inspectors at your establishment for slaughter operations, in accordance with FSIS Rules of Practice Title 9 Code of Federal Regulations (CFR) Part 500.3(b). This action was initiated based on your failure to meet regulatory requirements regarding livestock humane slaughter at your establishment, specifically egregious inhumane slaughter, shackling/hoisting prior to rendering the animal immediately unconscious, that was noncompliance to 9 CFR 313.15(a).

On September 23, 2019, your establishment submitted written responses to the DDO containing the immediate corrective actions and further preventive measures in response to the Notice of Suspension (NOS) issued to your establishment on September 23, 2019.

Based on your written and verbal commitments provided on September 23, 2019, in response to the NOS, FSIS has decided to hold the Suspension in Abeyance to allow your establishment the opportunity to implement your proposed corrective actions and preventive measures. This letter confirms the verbal and informal email notification provided to your establishment on September 23, 2019, by the FSIS Denver District Office management team.

During this Abeyance period, FSIS will continue to verify, assess, and evaluate the effectiveness of the corrective actions you have implemented to assure that all proffered corrective actions are followed and that your programs are adequate to assure that livestock at your establishment are handled and slaughtered humanely, in accordance with the FMIA, The Humane Methods of Slaughter Act, and the applicable regulations in Title 9 CFR 313.

FSIS designed a Verification Plan to verify that your establishment fully implements and follows the corrective actions and preventive measures that your establishment proffered in response to the NOS. The Verification Plan, which will be presented and discussed with you by FSIS, identifies your action plan, the relevant regulatory requirements, and the Public Health Information System (PHIS) tasks and frequencies under which FSIS officials will verify each corrective action. Please be advised that only FSIS can amend the Verification Plan, and should your establishment make any modifications to your proffered responses to the NOS during the Abeyance period, you should submit these changes, in writing, to FSIS for verification of compliance prior to your establishment implementing these changes.

You are reminded that as an operator of a federally inspected facility, you are expected to comply with the Federal Meat Inspection Act (FMIA) and the regulations promulgated thereunder to ensure that livestock at your establishment are handled and slaughtered humanely. The regulations require establishments to take appropriate action(s) when either the establishment or FSIS determines that the establishment's system controls for humane handling requirements are ineffective.

It is also important for you to understand that FSIS has the responsibility to initiate actions, if your establishment fails to operate, in accordance with the regulations, or conditions occur that may render products unwholesome or adulterated. In these situations, FSIS personnel will continue to take regulatory control of product and/or other administrative enforcement action.

FSIS has the authority to reinstate the suspension or withholding action if your establishment fails to implement your proposed corrective actions and preventive measures or if the corrective actions and preventive measures are not effective.

Please be advised that your failure to comply with regulatory requirements, to implement the corrective actions in your action plan, and/or to notify this office in writing of any changes to your action plan may result in the immediate reinstatement of the suspension of inspection or withholding action at your establishment.

If you have any questions regarding this matter, you may contact the Denver District Office at (303) 236-9800.

Sincerely,

DAWN SPROULS

Digitally signed by DAWN
SPROULS
Date: 2019.09.23 10:04:48 -06'00'

Dawn Sprouls, DVM
Acting District Manager
FSIS Denver District Office
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cc: FO/QR
Est. File

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(b) (6)

