



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

December 14, 2021
(verbal: December 14, 2021)

(b) (6)

FedEx Tracking # 775495246175

Mr. Chase Zimmerman, Plant Manager
Booth Creek Wagyu, Est. M47665
315 S. Main St.
Riley, KS 66531

NOTICE OF SUSPENSION

Dear Mr. Zimmerman,

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. M47665 (Booth Creek Wagyu; Riley, KS), as per Title 9 of the Code of Federal Regulations (9 CFR) 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 343.16(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 provided in 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*

Mr. Chase Zimmerman, Plant Manager
Booth Creek Wagyu, Est. M47665
Notice of Suspension
December 14, 2021
Page 2 of 4

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

At approximately 9:28 a.m. on December 14, 2021, FSIS Inspection Program Personnel (IPP) observed a humane handling incident, as documented in Noncompliance Record (NR) KXO2713123914N. The NR states that IPP observed an establishment employee attempt to stun a hog with a .22 magnum rifle; however, the first shot was unsuccessful, and the animal vocalized loudly and remained sitting upright on its two back legs. IPP further observed that the animal was fully conscious, with front legs extended, looking around and blinking normally; and, it had a black spot on its forehead where it had been shot. The employee then left the area to retrieve a secondary firearm. Several minutes later, the employee returned with a .410 shotgun and applied a second shot with this firearm, rendering the animal immediately unconscious. IPP applied U.S. Reject Tag B35826545 to the knock box and informed plant management of the noncompliance.

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)). Based on the egregious nature of this incident, FSIS has determined that a suspension is warranted. IPP verbally notified you of this suspension on December 14, 2021, and this is written notification of the same.

Conclusion

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 for the Slaughter process 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 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.

Mr. Chase Zimmerman, Plant Manager
Booth Creek Wagyu, Est. M47665
Notice of Suspension
December 14, 2021
Page 3 of 4

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 Operations Staff
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, 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,



Jeffery Barham
District Manager

cc: Ms. Geraldine French, EARO
Dr. Evan Sumner, DDM
Dr. Don Dowdle, DDM
Dr. Daran (Curtis) Stovall, DDM

(b) (6)

Mr. Chase Zimmerman, Plant Manager
Booth Creek Wagyu, Est. M47665
Notice of Suspension
December 14, 2021
Page 4 of 4

(b) (6)

FO/Quarterly Reports