



United States Department of Agriculture

Food Safety and  
Inspection Service

Office of Field  
Operations

Springdale District

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December 21, 2021

(verbal: December 20, 2021)

(b) (6)

FedEx Tracking # 775570839374

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

## NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Zimmerman,

On December 14, 2021, the Food Safety and Inspection Service (FSIS) notified you 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). The Notice of Suspension (NOS) was 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).

On December 14, 2021, you provided a written response (Action Plan) to the NOS via email, beginning a dialog that ended with your final updates to the Action Plan on December 20, 2021. FSIS analyzed the corrective and preventive measures provided in your Action Plan 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 December 20, 2021, 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. Chase Zimmerman, Plant Manager**  
**Booth Creek Wagyu, Est. M47665**  
**Notice of Suspension Held in Abeyance**  
**December 21, 2021**  
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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,



*for* Jeffery Barham  
District Manager

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

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FO/Quarterly Reports

## FSIS Verification Plan

Est. M47665 (Booth Creek Wagyu; Riley, KS)

<i>Background that led to enforcement action (Bkgd)</i>
<i>Related Regulations (Reg)</i>
<i>Establishment Action Plan (AP)</i>
<i>Related Establishment Records (Rec)</i>
<i>FSIS Verification Activity (VA)</i>
<i>Frequency of Verification Activity (Freq)</i>
<i>Related PHIS Task (PHIS)</i>

	<i>Bkgd</i>	As described in NR KXO2713123914N, at approximately 9:28 a.m. on 12/14/2021 IPP observed an establishment employee using a .22 magnum rifle implement an unsuccessful stun attempt, after which the animal vocalized, remained upright, and continued looking around and blinking normally. It had a black spot on its forehead where it had been shot. The employee then left the area and returned several minutes later with a .410 shotgun and applied a second shot with this firearm, rendering the animal immediately unconscious.
	<i>Reg</i>	9 CFR 313.16(a)(1) and 313.16(a)(3)
VP1	<i>AP</i>	All kill floor employees are required to watch a training video about humane stunning of beef/hogs, read our program on humane stunning, and sign and date a form stating that they watched the video and read the program before being allowed to attempt shooting any animals. This form is renewed annually to keep people familiar with the program/any changes.
	<i>Rec</i>	Training records
	<i>VA</i>	Verify the employee training documents.
	<i>Freq</i>	Once prior to resumption of inspected slaughter.
	<i>PHIS</i>	Livestock Humane Handling
	<i>Bkgd</i>	As described in NR KXO2713123914N, at approximately 9:28 a.m. on 12/14/2021 IPP observed an establishment employee using a .22 magnum rifle implement an unsuccessful stun attempt, after which the animal vocalized, remained upright, and continued looking around and blinking normally. It had a black spot on its forehead where it had been shot. The employee then left the area and returned several minutes later with a .410 shotgun and applied a second shot with this firearm, rendering the animal immediately unconscious.
	<i>Reg</i>	9 CFR 313.16(a)(1) and 313.16(a)(3)
VP2	<i>AP</i>	We will get a larger caliber firearm on the kill floor before the first shot in the event of missing that will be loaded before the first shot and ready to go. When the captive bolt is the primary device, the .22 mag will be the secondary. For larger animals, the the .22 mag will be the primary device and the .410 will be the secondary. The secondary will be loaded but not cocked to prevent accidents but also be quickly accessible.
	<i>Rec</i>	
	<i>VA</i>	Observe that the primary and secondary devices are in place, loaded, and not cocked.
	<i>Freq</i>	Once per week that includes hog slaughter.
	<i>PHIS</i>	Livestock Humane Handling

	<p><i>Bkgd</i> As described in NR KXO2713123914N, at approximately 9:28 a.m. on 12/14/2021 IPP observed an establishment employee using a .22 magnum rifle implement an unsuccessful stun attempt, after which the animal vocalized, remained upright, and continued looking around and blinking normally. It had a black spot on its forehead where it had been shot. The employee then left the area and returned several minutes later with a .410 shotgun and applied a second shot with this firearm, rendering the animal immediately unconscious.</p>
	<p><i>Reg</i> 9 CFR 313.16(a)(1) and 313.16(a)(3)</p>
<p><i>VP3</i></p>	<p>The following verifications will be documented on the slaughter floor: date of the ammo purchase, ammo and gun storage while not in use as well as during slaughter, and splitting one head a day to check shot placement.</p> <p><i>AP</i> The captive bolt is inspected and documented prior to each use each slaughter day, as well as monthly. In case of a malfunction with the captive bolt it is documented and reported to the Plant Manager and/or Food Safety Coordinator.</p>
	<p><i>Rec</i> Humane Handling Form</p>
	<p><i>VA</i> Review the Humane Handling Form to verify that the establishment is completing it appropriately and at the specified frequency.</p>
	<p><i>Freq</i> Once per week that includes hog slaughter.</p>
	<p><i>PHIS</i> Livestock Humane Handling</p>
	<p><i>Bkgd</i> As described in NR KXO2713123914N, at approximately 9:28 a.m. on 12/14/2021 IPP observed an establishment employee using a .22 magnum rifle implement an unsuccessful stun attempt, after which the animal vocalized, remained upright, and continued looking around and blinking normally. It had a black spot on its forehead where it had been shot. The employee then left the area and returned several minutes later with a .410 shotgun and applied a second shot with this firearm, rendering the animal immediately unconscious.</p>
	<p><i>Reg</i> 9 CFR 313.16(a)(1) and 313.16(a)(3)</p>
<p><i>VP4</i></p>	<p>The manager will verify that the primary and secondary devices and ammunition are on the processing floor and good operating condition prior to each slaughter day and will not the method and effectiveness on the Slaughter Log.</p>
	<p><i>Rec</i> Slaughter Log</p>
	<p><i>VA</i> Review the Slaughter Log to verify that the establishment is completing it appropriately and at the specified frequency.</p>
	<p><i>Freq</i> Once per week that includes hog slaughter.</p>
	<p><i>PHIS</i> Livestock Humane Handling</p>