

July 25, 2022

Panhandle Processors Ltd.
Establishment 47135
401 W. US 70
Lockney, TX 79241

HAND DELIVERED & SENT VIA USPS

Attention: Mr. Clint Haider, Limited Partner

NOTICE OF SUSPENSION

This letter confirms the verbal notification provided to you on July 25, 2022, at approximately 10:15 a.m., by Dr. Gary Davis, Deputy District Manager, that the Food Safety Inspection Service (FSIS) is suspending the assignment of inspectors related to the Slaughter Hazard Analysis and Critical Control Point (HACCP) plan at Establishment 47135, Panhandle Processors Ltd., Lockney, Texas.

On Monday, July 25, 2022, at approximately 8:55 a.m., (b) (6) was performing a HATS task on category 8, stunning effectiveness. She observed a slaughter employee stun a bull with a handheld captive bolt device, but the animal remained conscious. The establishment employee then delivered a second blow from a captive bolt device that again failed to render the animal unconscious. (b) (6) observed rhythmic breathing and tracking eye movements in the animal. Further, the animal was agitated, standing, and then going down in the chute. The establishment employee had to return to the office to reload the captive bolt. It took more than a minute for the third knock to be administered. The third attempt rendered the animal unconscious. The CSI informed Mr. Brayden Pope, Plant Manager, of the egregious noncompliance; a violation of Title 9 of the Code of Federal Regulations (CFR) Part 313.15(a)(1), and rejected the chute with U.S. Reject Tag No. B20636672.

9 CFR 313.15(a)(1) states, *(1) The captive bolt stunners shall be applied to the livestock in accordance with this section so as to produce immediate unconsciousness in the animal before it is shackled, hoisted, thrown, cast, or cut. The animal shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort...*

Further, the actions taken clearly showed that your establishment failed to handle and/or slaughter animals humanely, as required in the Humane Methods of Slaughter Act of 1978, Title 7, Section 1902, which states in part, *all animals are rendered insensible to pain by a single blow or gunshot...*

This suspension action, without prior notification, is taken in accordance with the Rules of Practice, 9 CFR 500.3(b) which states, *FSIS also may impose a suspension without providing the establishment prior notification because the establishment is handling or slaughtering animals inhumanely.*

Your establishment does not have a robust systematic approach. FSIS is issuing a Notice of Suspension for this egregious inhumane handling event.

The suspension of the assignment of inspectors will remain in effect until such time as you provide adequate written assurance to this office of corrective actions and preventive measures to assure that the handling and/or slaughter of animals will be done humanely and in accordance with the Federal Meat Inspection Act (FMIA), 21 United States Code (USC) 610(b), and the regulations promulgated therein. You may submit your corrective and preventive actions to my attention at the Dallas District Office.

You are reminded that as an operator of a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent inhumane slaughter. Please be advised that your failure to respond adequately to these rules may result in our initiating action to withdraw inspection from your establishment.

In accordance with 9 CFR 500.5(a)(5), you may appeal this action by contacting:

Paul V. Wolseley
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service, USDA
1400 Independence Ave. SW
Room 1329 South Building
Washington, DC 20250
Office: (202) 708-9506
Cell: (630) 544-9805
paul.wolseley@usda.gov

In addition, you may request a hearing regarding this determination pursuant to FSIS's Rules of Practice, 9 CFR 500. The Rules of Practice were published in the Federal Register, Volume 64, Number 228, on November 29, 1999. As specified in Section 500.5(d), should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing. If you wish to request a hearing regarding this determination, you should contact:

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, SB - Room 2148
1400 Independence Avenue, SW
Washington, DC 20250
Office: (202) 418-8872
Fax: (202) 245-5097

If you have any questions, please contact (b) (6)
(b) (6) or (b) (6)

Sincerely,

JENNIFER
BEASLEY MCKEAN

c=US, o=U.S. Government,
ou=Department of Agriculture,
0.9.2342.19200300.100.1.1=12001
000063383, cn=JENNIFER
BEASLEY MCKEAN

Jennifer Beasley-McKean, DVM
District Manager

cc:

(b) (6)
Inspector in Charge, Establishment 47135, Lockney, TX

I received a copy of this Notice of Notice of Suspension dated July 25, 2022, on

Date

Responsible Plant Official

Signature of FSIS Witness