



May 23, 2000

FASCIMILE AND CERTIFIED  
MAIL - RETURN RECEIPT  
REQUESTED

Excel Corporation  
Establishment 86R  
ATTN: Mr. Mike Chabot, General Manager  
1505 E. Burlington Ave.  
P.O. Box 4100  
Fort Morgan, CO 80701

On September 28, 1999, I notified you that the suspension of the assignment of inspectors at Establishment 86R would be held in abeyance. The decision to hold the suspension in abeyance was based on corrective and preventive measures provided by your firm following notification by FSIS of two positive laboratory sample results which indicated the presence of *E. coli* 0157:H7 in ground beef produced at your plant and you subsequently shipped some of the product still on "QA Hold" in commerce without having performed a pre-shipment review. You were advised that the suspension would remain in abeyance pending verification by FSIS that Establishment 86R had effectively implemented its action plan. You were also advised that plant personnel should continue to monitor operations to prevent future HACCP system inadequacies at your facility, and that continued noncompliance could be the basis for further enforcement.

Recent repetitive fecal findings on product produced by your firm demonstrates that the HACCP plan at your facility is not being effectively implemented to control food safety hazards and prevent adulterated product, as required by 9 CFR Part 417.

Specifically, on May 18, 2000, fecal contamination was observed by FSIS inspection personnel on beef carcasses that had been reconditioned by your facility and which had passed reinspection by your QA department. Plant preshipment records also did not reveal any problems regarding the product at issue. Noncompliance Record (NR) 42-00 was issued to you regarding this matter.

On May 16, 2000, fecal contamination was observed on two beef carcasses produced by your facility. Noncompliance Record (NR) 41-00 was issued to your firm regarding this matter. Similar problems have also been recorded on NR 37-00, on May 8, 2000; NR 23-00 on March 24, 2000; NR 21-00 on March 23, 2000; NR 14-00 on February 3, 2000; and NR 03-00 on January 4, 2000, copies of which have been provided to plant officials.

Furthermore, as reflected on NR 40-00 dated May 16, 2000, another incident that may be related to these problems occurred. On this date, FSIS personnel observed carcasses contaminated by ingesta on the viscera table. It was only after FSIS alerted plant management of the problem that corrective action was taken by the plant. Furthermore, while corrective action to slow the line speed was taken, there appear to be no additional steps taken to prevent further noncompliance.

These repetitive fecal findings at your facility demonstrate that your HACCP plan is inadequate. They also demonstrate that you are not taking seriously your responsibility to control food safety hazards and ensure that your HACCP plan is effective.

Based on the above, consideration is being given to reinstating the suspension of the assignment of inspectors at your facility. However, before taking further action I am providing you the opportunity to achieve compliance or to demonstrate why a HACCP inadequacy determination should not be made. Please provide this office a written response regarding this matter within three (3) working days from the date of receipt of this letter. Your response should include the results of any reassessment made to your HACCP plan regarding the problems cited above.

If you have any questions regarding this matter feel free to call.

Sincerely,



*RJ* Ronald Jones  
District Manager

cc: L. Ramsey, ADME  
E. Carr, SCO  
D. Hansen, CS  
M. Finley, IIC  
A. Gallegos, CO  
S. Safian, D/EED  
W. Smith, ADA, OFO  
C. Seymour, ADA, OFO