



United States
Department of
Agriculture

Food Safety
and Inspection
Service

FILE
District Enforcement Operations
665 South Broadway, Suite B.
Boulder, Colorado 80303

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

JUN 14 2000

In a letter from this office dated May 23, 2000 you were notified of our consideration to reinstate the September 22, 1999 suspension of the assignment of FSIS inspectors at Establishment 86R, Excel Corp., Fort Morgan, Colorado. This consideration was based on the fact that your firm failed to effectively implement your HACCP system in regards to 417.3, 417.4, and 417.5 relating to your firm's ability to control zero tolerance and other related issues.

Based on your response dated June 8, 2000 you have provided adequate information in the description of your system reassessment including modifications to your HACCP plan which will be accomplished by June 16, 2000 as stated.

In reference to zero tolerance, your firm will be required to consistently demonstrate that your slaughter process is under control meeting food safety standards where the FSIS Inspectors are verifying zero tolerance at the final rail inspection station as outlined in FSIS Directive 6420.1.

Based on your written responses, it would appear your procedures to implement corrective actions as outlined, including preventive measures, would assure your ability to meet all regulatory requirements of 417.3.

In regards to the shipment of product, and the records pertaining to this product, the regulatory requirements are outlined in 417.5(c) (pre-shipment review) which specifically covers the elements you must meet prior to product being shipped. The requirements include the review of records associated with production of the product being complete, all critical limits have been met, and if appropriate, corrective actions taken, including proper disposition of product prior to shipment of product.

It has been brought to our attention by the assigned FSIS personnel, that at times, it may be three or four days after a Noncompliance Record (NR) has been written before the Food Safety Corrective Action Report (FSCAR) is received in response to the NR. While there is no specific time limit for the establishment to implement and document corrective actions, including preventive measures, the establishment is expected to operate its HACCP system and meet all regulatory requirements.

The establishment would not meet the record-keeping requirements for the pre-shipment review if all regulatory requirements of 417.5(c) were not met prior to the product being shipped.

In considering your written responses, this office has decided not to reinstate the suspension. The suspension action will continue to be "held in abeyance" at this time. However, you should ensure that all establishment employees are aware of the need to perform tasks specified in your corrective actions, including the obligation to identify, correct and prevent system deviations. You should also amend your plan to eliminate causes of the non-compliance(s).

FSIS will continue to monitor compliance and carefully analyze any subsequent non-compliance to ensure:

The corrective actions have been identified and implemented, and
The corrective actions are effective in preventing the production or shipment of adulterated product.

Your implementation schedule for modifications made to your plan can be presented to Dr. Michael Finley, Inspector-In-Charge.

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

Sincerely,



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