



United States
Department of
Agriculture

Food Safety
and Inspection
Service

District Enforcement Operations
Boulder District Office
665 S. Broadway, Suite B
Boulder, CO 80303

September 28, 1999

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

NOTICE OF SUSPENSION HELD IN ABEYANCE

On September 22, 1999, you were notified of the refusal of the Food Safety and Inspection Service (FSIS) to allow meat products produced by Establishment 86R to be labeled, marked, and stamped as "Inspected and Passed". As documented in Non-Compliance Record (NR) 59-99 issued to you on September 22, 1999, this action was based on an inadequate HACCP system in operation at your establishment (9 CFR 417.6). Specifically, the NR concerned two positive laboratory sample results indicating the presence of *E. coli 0157:H7* in ground beef produced by your plant. The product was on a "QA hold". You subsequently shipped some of the product still on "QA hold" in commerce without having performed a pre-shipment review.

On September 22, 23, 24, and 25, 1999, you provided written responses to the withholding action. In your responses, you outlined steps you have already taken and additional planned action based upon your reassessment of your Hazard Analysis Critical Control Points (HACCP). Additionally, you proposed additional sampling of carcasses for *E. coli 0157:H7*.

FSIS officials have carefully reviewed this matter and determined that due to the seriousness of the HACCP System inadequacy, a suspension of inspection is warranted at this time. However, as discussed with you, based on your written action plan of corrective and preventive measures addressed in your September 25, 1999, response, the suspension of the assignment of inspectors is being held in abeyance and inspected operations at your facility have resumed. This is to confirm the September 25, 1999, oral notification that you were provided concerning this determination.

The suspension of the assignment of inspectors will remain in abeyance pending verification by FSIS personnel that Establishment 86R, Excel Corporation, has effectively implemented its proposed corrective and preventive measures. Plant personnel should continue to monitor operations to prevent HACCP systems inadequacies from occurring in the future.

Excel, Corporation
Greeley, Colorado

Page 2

Please be advised that as a Federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective action to prevent contamination or adulteration of product at your establishment. The regulations require establishments to take appropriate action when either management of the establishment or FSIS determines that the plant's HACCP system is inadequate.

Your failure to comply with your action plan or to meet regulatory requirements could result in the reinstatement of the suspension action at Establishment 86R, or other appropriate administrative or legal action.

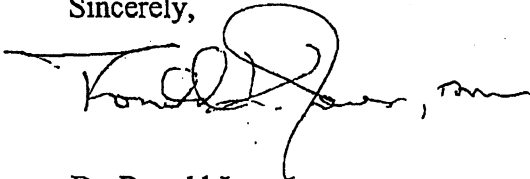
You may appeal this determination by contacting:

Assistant Deputy Administrator
USDA, FSIS, Field Operations
1400 Independence Ave., SW
Washington, DC 20250

Tel. No. (202) 720-3697
Fax No. (202) 720-6050

If you would like to discuss this matter, I can be reached at (303) 497-5411.

Sincerely,



Dr. Ronald Jones
District Manager
Boulder, Colorado

cc: W. Smith, ADA
C. Seymour, ADA
L. Ramsey, ADME
M. Finley, IIC
D. Hansen, CS
Case File