



United States
Department of
Agriculture

Food Safety
and Inspection

Office of Field
Operations

Denver District Office
Denver Federal Center
P.O. Box 25387
Building 45, Door S-3
Denver, CO 80225

**SENT CERTIFIED MAIL
RETURN RECEIPT REQUESTED
& ELECTRONIC MAIL**

February 29, 2012

Mr. Ricardo De Los Santos, General Manager
Valley Meat Co., LLC
Establishment 07299 M
Roswell, NM 88203

CORRECTED NOTICE OF SUSPENSION

Dear Mr. De Los Santos:

This letter serves as official written notification of suspension of the assignment of inspectors at your establishment Valley Meat Co., LLC, Establishment 07299 M, located in Roswell, New Mexico, in accordance with 9 CFR 500.3(b)(Rules of Practice). The suspension is based on your failure to meet regulatory requirements in regards to the humane handling of animals at your establishment during slaughter. Dr. (b)(6)(b)(7)(C) Inspector In Charge (IIC) on February 24, 2012, verbally notified you of the suspension.

On February 24, 2012, an FSIS Inspector observed a beef bull being stunned with a .40 caliber pistol, which did not stun the animal. Your backup firearm, a .410 shotgun also failed to stun the animal, after which the plant employee attempted to stun the animal again using the .40 caliber pistol. The backup firearm was again used two more times before the animal was rendered unconscious. Postmortem examination revealed that none of the first four shots penetrated the skull. A Memorandum of interview (MOI), dated February 4th, 2012 clearly describes the situation. The FSIS inspector took regulatory control action, and rejected the knocking area with US Reject Tag # 742705, halting further slaughter operations.

The decision to take enforcement action was based on your failure to meet regulatory requirements in accordance with 9 CFR 313.16 (a) (3), 9 CFR 313.16 (b), and 9 CFR 313.16 (b) (2) in regard to the humane handling of animals at your establishment during slaughter operations. The *Federal Meat Inspection Act* (21 U.S.C. Section 603 (b)) provides the legal authority to suspend operations at any establishment where livestock have not been handled in a humane manner as described in 7 U.S.C. 1901 where it states, "It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods".

In addition, 21 U.S.C. 610 (b) describes inhumane handling as a prohibited act in slaughter establishments. In accordance with 9 CFR 500.3 (b), the suspension of inspection at an

establishment may be initiated without prior notification for inhumane handling practices and under authority of 21 U.S.C. 621.

Based on these findings, FSIS has concluded that the suspension action at Valley Meat Co., LLC, Establishment 07299 M, is warranted. The suspension will remain in effect until you provide adequate written assurances to the Denver District Office with a detailed description that all animals will be humanely stunned. The corrective and preventive actions should include, at the minimum, the following:

Provide written documentation describing the corrective actions and preventive measures that you will implement to prevent any future recurrence of inhumane stunning of animals at Establishment 07299 M, including the actions to be taken to prevent animals from suffering multiple inadequate attempts to properly stun.

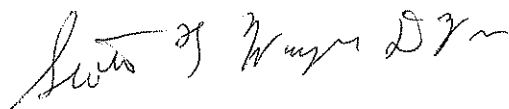
You may appeal this action by contacting:
Dr. Armia Tawadrous
Executive Associate for Regulatory Operations
USDA/FSIS/OFO
3157 South Agriculture Building
14th and Independence Avenue, S.W.
Washington, DC 20250
Phone: 202-720-3697
Fax: 202-290-3287

In Accordance with 9 CFR 500.5 (d), you may request a hearing concerning this action by contacting:

Director
Evaluation and Enforcement Division
Office of Program Evaluation, Enforcement, and Review
Food Safety and Inspection Service
United States Department of Agriculture
Patriots Plaza III, 8th Floor, Cubicle 93
355 E Street, SW
Washington, DC 20024-3221
Phone: (202) 418-8872
Fax number: (202) 245-5097

Please submit all written responses to the Denver District Office. If you have any questions regarding this matter, you may contact the Denver District Office at 303-236-9800

Sincerely,



Dr. Scott Wagner
Deputy District Manager
Denver District

cc: FO/QER
Reader File
Est. File
R. Nelson, DM
A. Gallegos, DDM
R. Reeder, DDM
(b)(6)(b)(7)(C) DDICS
(b)(6)(b)(7)(C) DVMS
(b)(6)(b)(7)(C) FLS
(b)(6)(b)(7)(C) IIC
(b)(6)(b)(7)(C) RD/OPPER