



May 27, 2020

USA Beef Packing, LLC  
Establishment 51303  
3845 Cedarvale Rd  
Roswell, NM 88203

SENT VIA EMAIL  
CERTIFIED - RETURN  
RECEIPT REQUESTED  
7019 2970 0000 2928 2051

Attention: Mr. Jose Alberto Madrid, Owner

## **NOTICE OF DEFERRAL**

On May 15, 2020, a Notice of Intended Enforcement (NOIE) was issued to your establishment, providing notification of the Dallas District Office's (DDO) intent to withhold the marks of inspection and suspend the assignment of inspection program personnel at USA Beef Packing, LLC, Establishment 51303, Roswell, New Mexico. This enforcement action was based on the observation by inspection program personnel (IPP) of an inhumane handling incident, a violation of Title 9 of the Code of Federal Regulations (CFR), Part 313.15(a) (3).

On May 20, 2020, and May 27, 2020, your establishment submitted responses via email to the DDO containing the immediate corrective actions and further preventive measures to ensure that animals would be handled and slaughtered humanely at your facility. Your planned corrective actions and preventive measures include the following: 1) training of employees on humane handling, stunning procedure, and stunning effectiveness, 2) FSQA or designee will monitor 30% of the slaughtered animals for stunning effectiveness for at least a 90-day period, 3) daily maintenance of the stunning device, 4) alternation and monitoring of stunning operators at least once daily, 5) implementation of a security stun (knock) on each animal harvested, 6) documentation of employee training, stunning device maintenance, and stunning effectiveness checks.

After careful consideration of your written corrective and preventions actions, you were contacted on May 27, 2020, by Dr. Samuel Dragoi, Deputy District Manager, and verbally informed of the decision to defer enforcement. Dr. Dragoi explained the deferral process, including verification that the corrective actions proffered by your establishment are successfully implemented.

A copy of the Food Safety and Inspection Service (FSIS) Verification Plan is enclosed to assist you in understanding the nature and importance of the Agency's verification activities. This FSIS Verification Plan is designed to verify that your establishment fully implements the proffered corrective actions, and that these actions are effective in assuring on-going regulatory compliance. The plan identifies the corrective action elements, the regulatory requirements, and the Public Health Information System (PHIS) tasks under which each corrective action element will be verified.

**Food Safety and Inspection Service  
Office of Field Operations  
Dallas District Office  
1100 Commerce Street, Room 516  
Dallas, TX 75242  
Voice 214-767-9116 Fax 844-622-0080  
An Equal Opportunity Provider and Employer**

USA Beef Packing, LLC  
May 27, 2020

2

Your establishment's personnel should continue to monitor operations to prevent the inhumane handling and slaughter of animals. It is also important for you to understand FSIS's responsibility to initiate action when there is a failure to handle or slaughter animals humanely, in accordance with the Humane Methods of Slaughter Act of 1978 (HMSA), Title 7, Chapter 48, Section 1902, the Federal Meat Inspection Act (FMIA), 21 United States Code (USC) 610(b), regulations promulgated thereunder, and in accordance with 9 CFR 500.3 (b). When these conditions exist, FSIS personnel will continue to take action until plant management institutes effective actions.

Be advised, as a federally inspected establishment you are expected to comply with all parts of 9 CFR Part 313 and all other requirements concerning the preparation, sale, and transportation of meat products. Failure to comply with these requirements or to effectively implement the measures outlined in your responses could lead to a withholding or suspension of inspection, or other appropriate action.

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

(b) (6)

Sincerely,

JENNIFER  
BEASLEY  
MCKEAN

Digitally signed by JENNIFER  
BEASLEY MCKEAN  
DN: c=US, o=U.S. Government,  
ou=Department of Agriculture,  
0.9.2342.19200300.1001.1-12001  
000063383, cn=JENNIFER BEASLEY  
MCKEAN

Jennifer Beasley-McKean, DVM  
District Manager

cc:

(b) (6)

Inspector in Charge, Establishment 51303, Roswell, NM

**Verification Plan**  
**USA Beef Packing, LLC**  
**Establishment 51303**  
**May 27, 2020**

**On May 15, 2020 Establishment 51303, USA Beef Packing, LLC, was issued a Notice of Intended Enforcement (NOIE) for an egregious incident of inhumane handling. This verification plan is designed to verify the corrective actions and preventive measures listed by the establishment in its responses received on May 20, 2020, and May 27, 2020**

**Livestock Humane Handling**  
**9 CFR 313.15 (a) (1) and 320.l(a)**

**VERIFY IN WEEK ONE ONLY UNLESS THERE ARE CHANGES**

Verify that employees have been trained on captive bolt stunning techniques on cattle and the procedures for checking for insensibility (unconsciousness) according to the new written training material.

Verify the “Robust Systematic Approach” (RSA) has been reassessed to include at the minimum:  
1) Test firing and maintenance daily of the stunning devices. 2) Implementation of a security stun (knock) on each animal harvested. 3) Alternation and monitoring of stunning operators at least once daily.

**VERIFY ON EACH DAY OF SLAUGHTER**

Verify the establishment manager (FSQA) or a designee monitors the stunning effectiveness of 30% of the total daily harvest: 10%, 3 times throughout the harvest day for at least 90 days.

Verify that trained employees alternate on the stun operation, at least one animal in each harvest day of beef slaughter to be stunned by one other than the primary stun operator.

Verify the implementation of a security stun (knock) be applied to each animal harvested.

Verify stunning device maintenance is performed and recorded on the maintenance log.

Verify that monitoring and verification records are correct and complete to include: date, name of employee, number of animals stunned, name of employee who monitored and verified the stunning, and the effectiveness of the stun.