



United States Department of Agriculture

Food Safety and  
Inspection Service

April 29, 2020

Office of Field  
Operations  
Denver District Office

**SENT VIA FEDEX &  
ELECTRONIC MAIL**

1 Denver Federal  
Center, Bldg. 45  
P.O. Box 25387  
Denver, CO 80225

Gary Baysinger  
Mountain Meat Packing, Inc, M4979  
951 17 ¼ Road  
Fruita, CO 81521  
[Garybaysinger@icloud.com](mailto:Garybaysinger@icloud.com)

Voice (303) 236-9800  
Fax (303) 236-9794

**NOTICE OF SUSPENSION (NOS)**

Mr. Baysinger,

This letter confirms the verbal notification provided to your establishment, Mountain Meat Packing, Inc, M4979, located in Fruita, CO, on Wednesday, April 29, 2020, by the Food Safety Inspection Service (FSIS), Denver District, of the suspension of the assignment of inspectors and the withholding of the marks of inspection at your establishment for slaughter operations. Dr. Jessica Van Hook, Deputy District Manager, notified you of the suspension action. This action was initiated in accordance with Title 21 of the United States Code (USC), Section 603(b) and Title 9 of the Code of Federal Regulations (CFR) Part 500.3(b) (Rules of Practice).

**Background Authority**

The Federal Meat Inspection Act (FMIA), 21 USC Section 603(b), provides for the purpose of preventing the inhumane slaughtering of livestock. The FMIA gives FSIS the authority, as designated by the Secretary of the Department of Agriculture, to prescribe rules and regulations describing examinations and inspections of the method by which cattle, sheep, swine, goats, horses, mules, and other equines are slaughtered in the establishments inspected under the FMIA. The FMIA also provides FSIS Program personnel the authority to suspend operations at a slaughtering establishment if FSIS finds that any cattle, sheep, swine, goats, horses, mules or other equines have been slaughtered or handled in connection with slaughter at such establishments by any method not in accordance with the Humane Methods of Slaughter Act (HMSA) of August 27, 1958 (72 Statute 862; Title 7 USC, Sections 1901-1906), until the establishment furnishes FSIS with satisfactory assurances that all slaughtering and handling in connection with the slaughter of livestock shall be in accordance with such methods.

Under the authorities of these Acts, FSIS has prescribed rules and regulations required for the humane slaughtering of livestock, contained in Title 9 CFR Part 313. FSIS has also developed Rules of Practice regarding enforcement prescribed in 9 CFR Part 500. The Rules of Practice describe the types of enforcement actions that FSIS may take and include procedures for taking a withholding action and or suspension, with or without prior notification, as well as the procedures for filing a complaint to withdraw a Grant of Federal Inspection.

## **Finding/Basis for Action**

On Wednesday, April 29, 2020, the FSIS Consumer Safety Inspector (CSI) documented in a Memorandum of Information (MOI) the following event at Est. M4979:

*" During slaughter operations the stun operator had been using a firearm to stun the 12 pigs at the establishment under inspection. The firearm being used was a 17 HMR rifle. The stun operator had been bringing in two pigs at a time and each time the firearm appeared to jam. The CSI notified the establishment owner, Gary Baysinger, that there was an issue with the firearm and that the establishment owner may need to speak with the stun operator about replacing the stunning device. The establishment owner brought the stun operator a handgun and recommended the stun operator use this stunning device for the remainder of the animals to be slaughtered. The stun operator then ran two more pigs into the stun box. The CSI vacated the slaughter floor and stood in the hallway as the firearm was discharged. Within moments the CSI heard the firearm discharge once. The CSI then heard a second discharge from the firearm and the CSI stuck his head in the door to see if it was safe to enter. The stun operator indicated that it was not safe to enter the slaughter floor by shaking his head no. The CSI observed the stun operator trying to fix the 17 HMR rifle as it appeared to have jammed. The CSI observed the second pig in the stun box vocalizing, breathing rhythmically and moving in an attempt to stand up.*

*The CSI proceeded to the front office to notify the establishment owner, Gary Baysinger, but the establishment owner was no longer available. The CSI returned to the slaughter floor and observed that the animal was still conscious and vocalizing while the stun operator was still trying to fix the 17 HMR rifle. There was further delay before the stun operator was able to apply a second stun attempt and render the pig unconscious. The CSI contacted the SPHV and applied US Reject Tag B11002418 to the stun box."*

## **Summary**

The decision to suspend the assignment of inspectors at your establishment is based on this noncompliance with 9 CFR 313.16(a)(1). This is an inhumane noncompliance; whereby an establishment employee required multiple stunning attempts with a delay in between attempts in order to render an animal unconscious. In addition, your establishment was not operating under a Robust Systematic Approach (RSA) during the time of the event.

The suspension of the assignment of inspectors will remain in effect until such time as you provide the Denver District Office adequate written corrective actions and preventative measures to ensure that livestock at your establishment are handled and slaughtered humanely, and in accordance with the FMIA, the HMSA, and 9 CFR 313 regulations.

These should include:

- A written description of the incident.
- The root cause of the incident
- Your immediate corrective actions.
- Your specific corrective actions to prevent reoccurrence of the noncompliance.
- Any training or retraining of employees you plan to provide, including materials you're planning to use.
- Any monitoring procedures, including any documentation records.

In accordance with Title 9 CFR 500.5(a)(5), you may appeal this action by contacting:

Paul Wolseley  
Acting Executive Associate for Regulatory Operations  
USDA/FSIS/OFO  
Room 3159 South Building  
Washington, D.C. 20250  
Tel: 207-708-9506  
Paul.Wolseley@usda.gov

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

Scott C. Safian  
Enforcement and Litigation Division  
Office of Investigation, Enforcement and Audit  
Food Safety and Inspection Service  
Stop Code 3753, PP III, Cubicle 9-235A  
1400 Independence Avenue, SW  
Washington, D.C. 20250  
Voice: (202) 418-8872  
Fax: (202) 245-5097

If you have any questions regarding this matter, you may contact the Denver District Office at (303)236-9800.

Sincerely,

**VALERIE CLAY**

Digitally signed by VALERIE  
CLAY  
Date: 2020.04.29 12:33:37  
-06'00'

Ms. Valerie Clay  
District Manager  
FSIS Denver District Office  
[Valerie.Clay@usda.gov](mailto:Valerie.Clay@usda.gov)

cc: FO/QER  
Est. File  
R. Reeder, DDM  
S. Hoffman, DDM  
J. VanHook, DDM

(b) (6)  


S. Baucher, RD/OIEA