



United States Department of Agriculture

Food Safety and  
Inspection Service

March 26, 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

Mr. Gene Malkovsky, Owner  
Malco's Buxton Meat Co., M9264  
37101 SE Dunn Road  
Sandy, Oregon 97055  
[1malco79@gmail.com](mailto:1malco79@gmail.com)

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

**NOTICE OF REINSTATEMENT OF SUSPENSION HELD IN ABEYANCE  
(NORSHA)**

Dear Mr. Malkovsky,

On March 25, 2020, the Food Safety and Inspection Service (FSIS) issued your establishment, Malco's Buxton Meat Co., M9264, located in Sandy, OR, a Notice of Reinstatement of Suspension (ROS). The decision to issue the ROS was made in accordance with 21 U.S.C. 603(b) and Title 9 Code of Federal Regulations (CFR) Part 500.3(b), based on your establishment's failure to comply with 9 CFR 313.16(a)(1) regulations. A Memorandum of Information (MOI), written by the FSIS Consumer Safety Inspector (CSI), documented an inhumane event whereby an establishment employee needed two (2) stunning attempts to render a bull unconscious; whereas there was a delay between the first and second stunning attempts. This event occurred while your establishment was operating under the abeyance period for a Notice of Suspension (NOS) issued on March 2, 2020, whereby your employee needed multiple stunning attempts to render a lamb unconscious.

On March 25, 2020, the Denver District Office (DDO) received your initial response to the ROS and corrective actions, via electronic mail. The DDO requested clarification on several items in your first response, via email, on March 25, 2020. These items included clarification on training, location of backup stunning devices, and monitoring. FSIS personnel received and reviewed your additional responses on March 26, 2020 and based upon your proposed corrective actions FSIS will hold the reinstatement of suspension of inspectors at your establishment in abeyance.

The suspension will remain in abeyance pending verification by FSIS inspection personnel. During this abeyance period, FSIS will continue to verify, assess, and evaluate the effectiveness of your proffered corrective actions to ensure that these are adequately implemented, and confirm that livestock are properly handled and slaughtered humanely.

FSIS will design a verification plan to confirm that your establishment is implementing the corrective actions you provided in your response to the ROS. The verification plan identifies your corrective action plan, the relevant regulations and the frequency FSIS inspection personnel will verify the implementation and effectiveness of your proffered actions.

FSIS will provide you a copy of the verification plan on a later date. Please be advised that only FSIS can amend the verification plan. If your establishment wishes to modify your proposed corrective actions during the abeyance period, please submit these changes, in writing, to FSIS for approval prior to making any changes in your actions.

FSIS reminds you that as an operator of a federally inspected facility, you are expected to comply with the *Federal Meat Inspection Act* (FMIA), the *Humane Methods of Slaughter Act* (HMSA) and the regulations in 9 CFR 313 to ensure livestock at your establishment are handled and slaughtered humanely. The regulations require establishments to take appropriate action(s) when either the establishment or FSIS determines that the establishment's system controls for humane handling requirements are ineffective. FSIS has the responsibility to initiate action if your establishment fails to operate in accordance with FSIS regulations.

Please be aware that your failure to comply with the regulatory requirements or effectively implement the commitments you proffered in your responses may lead to further administrative enforcement actions.

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

Sincerely,

**JESSICA**

**VANHOOK**

Digitally signed by  
JESSICA VANHOOK  
Date: 2020.03.26  
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for

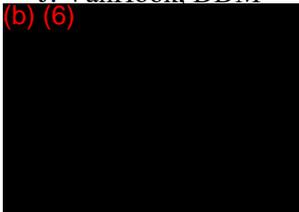
Valerie Clay

District Manager

FSIS Denver District Office

[Valerie.Clay@usda.gov](mailto:Valerie.Clay@usda.gov)

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



S. Baucher, RD/OIEA