



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations
Denver District Office

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

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

January 30, 2020

**SENT VIA FEDEX &
ELECTRONIC EMAIL**

Mr. James Serlin, Owner
Mr. Benjamin Meyer, Owner
Mark's Meat, Inc., M9265
10290 S. Mulino Road
Canby, OR 97013
james@revelmeatco.com
ben@revelmeatco.com

NOTICE OF SUSPENSION HELD IN ABEYANCE (NOSHA)

Dear Mr. Serlin and Mr. Meyer,

January 29, 2020, the Food Safety and Inspection Service (FSIS) issued your establishment, Mark's Meat Inc., M9265, a Notice of Suspension (NOS). The decision to issue the NOS 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 313.15 regulations. A Memorandum of Information (MOI), written by the FSIS Enforcement Investigations Analysis Officer and the Consumer Safety Inspector (CSI), documented an egregious event whereby an establishment employee ineffectively stunned a swine with a hand-held captive bolt device, attempted a second stun in which was still ineffective, and then applied a third stun attempt which rendered the swine unconscious.

On January 29, 2020, the Denver District Office (DDO) received your initial response to the NOS and corrective actions via electronic mail. The DDO requested clarification on various items in your first response via email, on January 29, 2020. These items included clarification on restraint and retraining. FSIS personnel received and reviewed your additional response on January 29, 2020 and based upon your proposed corrective actions FSIS will hold the 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 NOS. 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. 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. In addition, please be aware that you must maintain compliance with the terms of the Consent Decision and Order, which Marks Meat, Inc., M9265, entered into on March 15, 2019. Any failure by Marks Meat Inc., M9265, to comply with the FSIS requirements or with the terms of the Order may result in further enforcement action by FSIS, including suspension of the assignment of inspectors to the establishment or the immediate summary withdrawal, without prior notice, of your grant of inspection, pursuant to paragraph 40 of the Order.

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

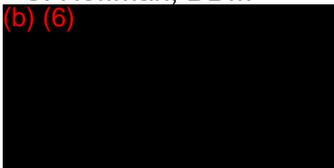
Sincerely,

VALERIE CLAY Digitally signed by VALERIE CLAY
Date: 2020.01.30 08:25:45 -07'00'

Valerie Clay
District Manager
FSIS Denver District Office
Valerie.Clay@usda.gov

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

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S. Baucher, RD/OIEA

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