



United States Department of Agriculture

Food Safety and
Inspection Service

February 22, 2020

Office of Field
Operations
Denver District Office

**SENT VIA FEDEX &
ELECTRONIC MAIL**

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

Voice (303)236-9800
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Mr. William Sanchez, Owner
Sanchez Slaughterhouse M12455
887 Kamalu Road Unit F
Kapaa Kauai, HI 96746
wailuameatco@gmail.com

NOTICE OF SUSPENSION (NOS)

Mr. Sanchez,

This letter confirms the verbal notification provided to Mr. William Sanchez, Establishment owner of Sanchez Slaughterhouse, Establishment M12455, located in Kapaa Kauai, HI, on Saturday February 22, 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. Ms. Valerie Clay, District Manager (DM), verbally notified you of the suspension action on February 22, 2020. 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), which indicates that FSIS can take a withholding action or impose a suspension without providing an establishment prior notification if an establishment is handling or slaughtering animals inhumanely and Title 9 CFR Part 500.3(a)(6), which indicates that FSIS can take a withholding action or impose a suspension without providing an establishment prior notification if an establishment operator, officer, employee, or agent assaulted, threatened to assault, intimidated, or interfered with an FSIS employee; such as that which occurred at your establishment.

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 Saturday, February 22, 2020, the FSIS Consumer Safety Inspector (CSI) documented in a Memorandum of Information (MOI) the following event at Est. M12455:

"On 2/22/2020 at approximately 0550 hours the CSI observed the following egregious humane handling event. While performing on-line inspection duties, the CSI heard a commotion coming from the area of the stun box. As the CSI began to make his way toward the area, the CSI was approached by (b) (6) (b) (6) who attempted to prevent his continuation by holding onto his arm. The CSI pursued onward to discover an excited, large hog being readied for stunning. The stun operator applied the first stun attempt from above and downward into the head. The animal remained standing, recoiled and vocalized.

The CSI suggested the stun operator use a larger caliber firearm. The stun operator vacated the stunning area and retrieved another cartridge from a nearby vehicle. The stun operator returned and applied a second stun attempt. The animal remained standing with eyes tracking and vocalizing. The stun operator vacated the stunning area again and retrieved another cartridge from the nearby vehicle. The stun operator applied a third stun attempt. The animal remained standing with eyes tracking and vocalizing. The establishment employee who was attempting to prevent the hog from pushing itself beneath the gate of the stun box retrieved the firearm and applied a fourth stun attempt from a different angle. The animal remained standing with eyes tracking and vocalizing. The stun operator vacated the stunning area and retrieved another cartridge from the nearby vehicle. The stun operator applied a fifth stun attempt and the animal was rendered insensible."

The Denver District Office was contacted via supervisory channels and U.S Reject tag-#B27413917 was applied 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 needed multiple stunning attempts to render an animal unconscious. In addition, an establishment may not harass, intimidate, or interfere with FSIS IPP in the performance of their duties. Safety for all FSIS employees is of paramount concern to the Agency. Workplace violence is any type of violence, threat, intimidation, assault, harassment, interference or other disruptive behavior in the workplace. Workplace violence will not be tolerated by FSIS because it is harmful to employees, and it prevents us from fulfilling our mission.

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. In addition, the suspension will remain in effect until you provide adequate written corrective and preventative measures to assure FSIS that you can demonstrate a program that is free from harassment, intimidation or interference. You are reminded that as an operator of a federally inspected plant you are expected to comply with all FSIS regulations.

These written corrective actions and preventative measures 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, PP3, Cubicle 8-235A
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,

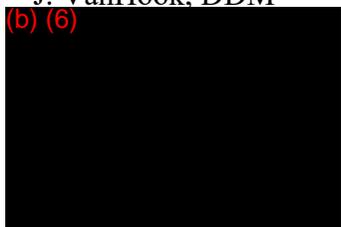
**VALERIE
CLAY**

Digitally signed by
VALERIE CLAY
Date: 2020.02.22 13:37:07
-07'00'

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

cc:

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



S. Baucher, RD/OIEA