



United States Department of Agriculture

Food Safety and
Inspection Service

December 13, 2019

SENT VIA FEDEX &
ELECTRONIC MAIL

Office of Field
Operations
Denver District Office

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

Voice (303) 236-9800
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Mr. James Roberts, Owner
Owyhee Meat Company, Est. M454
3408 Industrial Road
Homedale, ID 83628
Owyhee.meat.co.10@gmail.com

NOTICE OF SUSPENSION HELD IN ABEYANCE (NOSHA)

Dear Mr. Roberts,

On December 11, 2019, the Food Safety Inspection Service (FSIS) issued your establishment, Owyhee Meat Company, M454, 3408 Industrial Road, Homedale, ID 83628, a Notice of Suspension (NOS). FSIS initiated this action due to an egregious humane handling noncompliance on December 10, 2019, whereby your establishment employee failed to render a bovine unconscious with a hand-held captive bolt (HHBC) device. The employee then proceeded to shackle, hang, and bleed the animal with the animal still exhibiting signs of consciousness. At the time of the noncompliance, your establishment was operating under a Deferral Verification Plan to a Notice of Intended Enforcement (NOIE) issued for an egregious humane handling event on September 12, 2019. In addition, your establishment was not operating under a Robust Systematic Approach (RSA) to humane handling at the time of the event on December 10, 2019. FSIS withdrew inspection 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).

On December 11, 12, and 13 2019, the Denver District Office (DDO) received your proffered corrective actions and preventative measures for the December 10, 2019 egregious humane handling noncompliance. The DDO requested clarification of several items in your responses on December 12 and 13, 2019. On December 13, 2019, the DDO received further clarification 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 of the corrective actions by FSIS personnel. During this abeyance period, FSIS will verify, assess, and evaluate the effectiveness of your implemented corrective actions to confirm that your establishment handles livestock according to regulations.

FSIS will design and use a verification plan to confirm your establishment continues to implement the proffered corrective actions. The verification plan identifies your corrective actions, the relevant regulations, the Public Health Information System (PHIS) tasks associated with the relevant regulations, and the frequency FSIS inspection personnel will verify your corrective actions.

FSIS will provide you with a copy of the verification plan. Please be advised that only FSIS can amend the verification plan. If your establishment wishes to modify the proposed

corrective actions in the verification plan during the abeyance period, please submit those changes in writing to FSIS for approval prior to modifying those corrective actions.

FSIS reminds you that as an operator of a federally inspected facility, FSIS expects you to comply with the Federal Meat Inspection Act (FMIA), the Human Methods of Slaughter Act (HMSA), and the regulations in the Code of Federal Regulations (CFR) to ensure you handle livestock at your establishment humanely throughout the slaughter process. The regulations require establishments to take appropriate actions when either the establishment or FSIS personnel determine that systematic controls for humane handling requirements are ineffective. FSIS has the responsibility to initiate action if your establishment fails to operate in accordance with the regulations in 9 CFR.

Please be aware that your failure to comply with the regulatory requirements or effectively implement the agreed upon corrective actions you proffered 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,

GWYNNEVERE DATSKO

Digitally signed by GWYNNEVERE

DATSKO

Date: 2019.12.13 11:06:44 -07'00'

Dawn Sprouls, DVM
Acting District Manager
Dawn.Sprouls@usda.gov

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

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S. Baucher, RD/OIEA