



United States Department of Agriculture

Food Safety and
Inspection Service

March 12, 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

Mr. Roger Brandao, President
Mrs. Cherie Brandao, President/GM
(b) (6)
Gourmet Natural Meats LLC, Est, M46547
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Lynden, WA 98264
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(b) (6)

Voice (303)236-9800
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NOTICE OF SUSPENSION (NOS)

Mr. and Mrs. Brandao, and (b) (6)

This letter confirms the verbal notification provided to your establishment, Gourmet Natural Meats LLC, Establishment M46547, located in Lynden, WA, on Thursday, March 12, 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. Mr. Scott Hoffman, 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 Thursday, March 12, 2020, the FSIS Supervisory Public Health Veterinarian (SPHV) documented in a Memorandum of Information (MOI) the following event at Est. M46547:

" At approximately 14:30 hours, the SPHV was observing the unloading, HATS Category II – Truck Unloading, of bob veal calves from a trailer which had just arrived onto the official premises. As the SPHV neared the trailer, the SPHV observed an individual unloading calves on his own. Multiple calves had already been unloaded and were standing in a group around the open entrance to the antemortem pens. The SPHV observed the individual unloading calves holding a sternally-recumbent calf by the tail and dragging it from the middle area of the trailer to the open tailgate. He then pushed the calf off the back of the trailer. Though this calf landed in a standing position, the distance from trailer bed to the ground was approximately 2.5 to 3 feet. When the SPHV arrived at the back of the trailer, the individual unloading calves was roughly jostling another recumbent calf with his foot. The SPHV immediately told him that calves must be handled so as to minimize excitement and discomfort, and that dragging conscious animals is unacceptable. At this time, one of the previously-unloaded calves was wandering into the parking lot area. The SPHV informed the man of this and he unloaded the last calf by carrying it off the trailer end before gathering the stray calf humanely back to the pen. The SPHV visually confirmed that this calf made no visible contact with any hazards and had adequate footing in the area it traveled. The same individual unloading calves then forcefully pushed a couple more calves into the pen area and closed the gate.

The SPHV verbally informed establishment management, the HACCP Coordinator as well as the President/General Manager, of the egregious humane handling event. The SPHV verbally notified establishment management that this situation demonstrates noncompliance with humane handling regulations. The Denver District Office was contacted through supervisory channels for further guidance.

The SPHV verbally notified management personnel that stunning operations would be suspended and applied U.S. Reject Tag # B37310250 to the stun box."

Summary

The decision to suspend the assignment of inspectors at your establishment is based on this noncompliance with 9 CFR 313.2 (d)(2). This is an inhumane noncompliance; whereby an individual unloading bob veal calves from a trailer, on the official premises of your establishment, dragged and dropped a conscious animal during the unloading process. 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,

**ROBERT
REEDER**

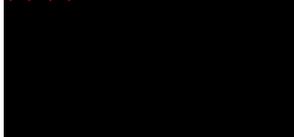
Digitally signed by
ROBERT REEDER
Date: 2020.03.13
09:44:15 -06'00'

FOR

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

(b) (6)



S. Baucher, RD/OIEA