



Food Safety and  
Inspection Service

September 3, 2020

Office of Field  
Operations  
Denver District Office

**SENT VIA FEDEX &  
ELECTRONIC MAIL**

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Mr. David Zarling, Plant Manager  
BelCampo Butchery  
Establishment M44932  
329 S. Phillipe Lane  
Yreka, CA 96097\_  
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## **NOTICE OF INTENDED ENFORCEMENT**

Mr. Zarling,

This letter serves as official notification by the Food Safety Inspection Service (FSIS) of its intent to withhold the marks of inspection and suspend the assignment of FSIS Inspection Program Personnel (IPP) at your establishment, BelCampo Butchery, Establishment M44932, located in Yreka, California. The decision to issue this notification was made in accordance with Title 9 of the Code of Federal Regulations (9 CFR) 500.3(b) (Rules of Practice), based on your failure to meet regulatory requirements in regard to livestock humane slaughter at your establishment. Dr. Jessica Van Hook, Deputy District Manager, informed you by phone of the Notice of Intended Enforcement (NOIE).

### **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 September 3, 2020, the FSIS Supervisory Public Health Veterinarian (SPHV) and Consumer Safety Inspector (CSI) documented in a Memorandum of Interview (MOI) the following event at Est. M44932:

*While observing stunning of lambs at Est. M44932, BelCampo Butchery in Yreka CA, the CSI observed a plant employee apply a stun attempt to a lamb using a hand-held captive bolt device (HHCBD). The stun attempt with the HHCBD connected with the lamb but did not render the lamb insensible. The lamb remained standing and, when released from the plant employee's restraining hold, stumbled forward but regained its footing and remained standing. At this time, another plant employee entered the chute to restrain lambs. The CSI and SPHV then moved to another location for better visualization. The CSI then observed a second lamb be restrained by the plant employee and stunned effectively with a HHCBD. The CSI proceeded inside the establishment to observe the stunned lambs as they were shackled and bled to verify insensibility while the SPHV remained to verify stunning effectiveness on the remainder of the lambs at the stunning location.*

*The SPHV observed the first lamb continue to remain standing with visible blood on its forehead and observed the plant employees restrain and effectively stun a third and a fourth lamb with HHCBDs. The SPHV then observed the plant employees return to the first lamb and restrain it. The SPHV observed a plant employee use a HHCBD to attempt to apply a second stun to the first lamb, but the HHCBD mis-fired and did not contact the lamb. The plant employee then cleared and reloaded the HHCBD and attempted to stun the lamb, but the HHCBD mis-fired a second time and did not contact the lamb. A second plant employee retrieved up a back-up HHCBD and applied a stun attempt that effectively rendered the lamb insensible.*

*The CSI and the SPHV observed the dressed head of the lamb that was not effectively stunned on the first attempt and observed that there were two penetrating stun holes in the skull. The path and location of the penetrating holes indicated that the placement of the stun attempts was outside of the acceptable target area.*

*After the lamb was effectively stunned, the CSI verified all four lambs were insensible throughout the bleeding process, then applied US Reject tag number B45025118 to the stun box. Denver District office was contacted via supervisory channels.*

Prior to this incident, the establishment was determined to have a Robust Systematic Approach to humane handling.

## Summary

This event is a noncompliance of regulatory requirements in Title 9 CFR 313.15(a)(1) *The captive bolt stunners shall be applied to the livestock in accordance with this section so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.*

The decision to issue a NOIE in lieu of a Notice of Suspension (NOS) is based on your establishment implementing a robust systematic approach to humane handling and the details of the incident.

You are required to proffer the Denver District Office a written response of your analysis of the event, corrective actions and preventative measures within three working days from the receipt of this letter, no later than the close of business, September 9, 2020. Your response 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.

Based on your response, FSIS will determine further action, if any, is necessary. In addition, failure to respond to this NOIE and failure to assure that you handle and slaughter animals at your establishment humanely, in accordance with the statutory and regulatory requirements, may result in further administrative enforcement actions.

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

Sincerely,

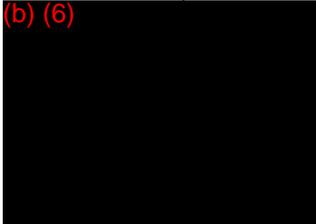
**VALERIE  
CLAY**

Digitally signed by  
VALERIE CLAY  
Date: 2020.09.03 14:50:03  
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Ms. Valerie Clay  
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R. Reeder, DDM  
S. Hoffman, DDM  
J. VanHook, DDM

(b) (6)



S. Baucher, RD/OIEA