



Food Safety and
Inspection Service

October 16, 2020

Office of Field
Operations
Denver District Office

**SENT VIA FEDEX &
ELECTRONIC MAIL**

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Jay Archer
Steving Meat Company, M6161
443 4th Street
Kersey, CO 80644
stevingmeats@yahoo.com

NOTICE OF SUSPENSION

Dear Mr. Archer,

This letter confirms the verbal notification provided to your establishment, Steving Meat Company, located in Kersey, CO, on Friday, October 16, 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. Dr. Jessica VanHook, Deputy District Manager, verbally notified you of the suspension. 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 Wednesday, October 16, 2020, the FSIS Consumer Safety Inspector (CSI) documented in a noncompliance report the following event at Est. M6161:

"On October 16, 2020 at approximately 9:30 AM, I was notified by Jay Archer, Steving Meat Company Owner that cattle had arrived, and they were ready for ante-mortem Inspection. As I walked out to the pen area, I observed 5 cows walking down the alley way and one remained inside the truck. I directed my attention to the unloading of the last cow and observed they were having issues with unloading. The cow appeared to be "stubborn" and did not want to exit the truck. They backed up another animal to see if the stubborn animal would follow. They tried to unload it without success. The establishment employee instructed the owner of the animals to bring his trailer around the building to the north pen with the intention to shoot both cows inside the trailer. The employees brought out a .22 magnum rifle to stun the animals with. The first cow was stunned with the .22 magnum rifle and immediately rendered unconscious. The second cow was stunned with the .22 magnum rifle but it remained standing and moving its head away after the first stun attempt. A second stun attempt was applied with the same rifle. The cow remained standing and moving its head after the second stun attempt. I did not observe any blood or any vocalization coming from the animal. The stun operator left the area to retrieve a larger caliber rifle. After returning with a 30/30 rifle, the establishment employee applied a third stun attempt to the cow and rendered the animal immediately unconscious. I immediately notified Establishment Owner, Jay Archer of my observations and the noncompliance. When the cow was brought inside, I observed the dressed head and verified that there were three penetrating stun holes. Two of the holes were outside of the acceptable target area for stunning placement.

USDA Reject Tag B45410865 was applied to the stunning box and USDA retain tag B45410864 was applied to the head."

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 required multiple stunning attempts with a delay in between to render an animal unconscious. Your establishment was operating under a Robust Systematic Approach (RSA) during the time of the event, but was not implementing the plan as written.

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
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Avenue, SW
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 9-235-A
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,

for MICHAEL
HOFFMAN  Digitally signed by MICHAEL
HOFFMAN
Date: 2020.10.17 09:07:52
-06'00'

Ms. Valerie Clay
District Manager
USDA FSIS OFO
Denver District Office

Steving Meat Company, M6161

Valerie.Clay@usda.gov

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



S. Baucher, RD/OIEA