



United States Department of Agriculture

Food Safety and  
Inspection Service

October 20, 2020

Office of Field  
Operations  
Denver District Office

**SENT VIA FED EX &  
ELECTRONIC MAIL**

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

Mr. Brent Jones  
Jones Meat and Food Services, M7722  
P.O. Box 477  
Rigby, ID 83442  
[jmfs@gobigwest.com](mailto:jmfs@gobigwest.com)

Voice (303) 236-9800  
Fax (303) 236-9794

## **REINSTATEMENT OF SUSPENSION**

Dear Mr. Jones:

This letter confirms the verbal notification provided to your establishment, Jones Meat and Food Services, Est. M7722, located in Rigby, ID on Tuesday, October 20, 2020, by the Food Safety Inspection Service (FSIS), Denver District, of the reinstatement of suspension (ROS) of the assignment of inspectors and the withholding of the marks of inspection at your establishment for slaughter operations. 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.

### **Findings/Basis for Action**

On Tuesday, October 20, 2020, the FSIS Consumer Safety Inspector (CSI) documented in a Noncompliance Report (NR) the following event at Est. M7722:

*“At approximately 0755 Mr. Brent Jones, Establishment Owner asked me, the CSI, to leave the slaughter floor because he was going to stun a lamb with a .22 rifle. After I heard the first stun attempt on the lamb, I returned to the slaughter floor and was standing near the stunning box when I heard vocalization as well as movement of a lamb coming from inside the stunning box. When I walked up the stairs to the stun box to verify stunning effectiveness, I observed the lamb lift his head, track me with its eyes, and vocalize a few times. I could verify that the lamb had been stunned once as I could observe the blood around the stun wound in the forehead. I immediately left the stun box to inform the SPHV, who was in the USDA office at the time. The SPHV immediately went to the stunning box and observed a market lamb in semi-right lateral recumbency with forelimbs moving in front of the animal. The lamb’s head was slowly moving from side to side while the animal tried to roll itself into a complete sternal position. The lamb was opening its mouth every time it tried to take a deep rhythmic inhalation. Blood was dripping from a visible stun wound on the animal’s forehead as well as from its nostrils and mouth. The SPHV immediately verbally informed a nearby establishment employee that the lamb was still conscious. The establishment employee applied a second stun attempt using the same .22 rifle, rendering the lamb unconscious.*

*USDA Reject tag B41004902 was applied to the stunning box. Two penetrating stun holes were observed in the dressed head. The placement of both stun holes was outside of the acceptable target area for lambs and sheep. Mr. Brent Jones, Establishment owner was verbally notified of the non-compliance.*

*Denver district office was contacted through supervisory channels.*

*The establishment is operating under the abeyance period for a Notice of Suspension issued on July 15, 2020.”*

### **Summary**

The decision to reinstate the suspension of the assignment of inspectors at your establishment is based on this noncompliance with 9 CFR 313.16(a)(1), your establishment's humane handling noncompliance history, lack of operating with a Robust Systematic Approach, and that Jones Meat and Food Services was currently operating under the abeyance period for a Notice of Suspension issued on July 15, 2020, whereby your employee needed multiple stunning attempts with a firearm to render a steer insensible.

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.

This is not limited to but should include:

- A written description of the incident.
- The root cause of the incident.
- Your immediate corrective actions.
- Any training or retraining of employees you plan to provide, including educational materials you are planning to use.
- Any monitoring procedures, including any documentation records that will be used.

Your recent humane handling noncompliance history shows a systematic failure to comply with 9 CFR 313 regulations. Be advised that based on your recent history of non-compliance concerning the inhumane handling of livestock, the Denver District Office will be consulting with the Office of Investigation, Enforcement and Audit, Enforcement and Litigation Division (ELD). Further humane handling noncompliance may result in referring this matter to ELD and removal of your Grant of Inspection.

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, DC 20250  
Phone: (202) 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, Branch Chief  
Enforcement Operations Branch  
Office of Investigation, Enforcement and Audit  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 3753, PP3, Cubicle 9-235-A  
1400 Independence Avenue, SW  
Washington, DC 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: 2020.10.20  
12:59:55 -06'00'

Ms. Valerie Clay  
District Manager  
USDA FSIS OFO  
Denver District Office  
[Valerie.Clay@usda.gov](mailto:Valerie.Clay@usda.gov)

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



S. Baucher, RD/OIEA