



United States Department of Agriculture

Food Safety and
Inspection Service

July 15, 2020

Office of Field
Operations
Denver District Office

**SENT VIA FEDEX &
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

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

NOTICE OF SUSPENSION (NOS)

Mr. Jones,

This letter confirms the verbal notification provided to your establishment, Jones Meat and Food Services, M7722, located in Rigby, ID, on Wednesday, July 15, 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 Van Hook, 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 Wednesday, July 15, 2020, the FSIS Supervisory Public Health Veterinarian (SPHV) documented in a Memorandum of Interview (MOI) the following event at Est. M7722:

“At approximately 1006 hours on 7/15/20 the SPHV, while performing a routine HATS Category VIII task, observed the stun operator utilized a .22 caliber rifle to apply the first stun attempt to a steer. The stun operator immediately applied a second stun attempt, while IPP were down the hallway for safety. After the second stun, the SPHV returned to the slaughter floor and observed the steer remain standing, moving inside the stun box, kicking, vocalizing, looking around with eyes tracking and breathing rhythmically. The SPHV observed one stun entry point in the poll of this animal.

The stun operator vacated the stunning area and slaughter floor at 1007 hours and returned to the slaughter floor just after 1009 hours with a larger caliber firearm (.243 caliber rifle) and the establishment owner. The establishment owner applied a third stun attempt, with this larger caliber firearm, which rendered the animal unconscious.

The stun box was tagged with U.S. Reject tag number B41004937 and the slaughter floor manager was verbally notified to cease stunning of animals as a regulatory control action had been taken.

The Denver District office was notified via supervisory channels. This establishment does not operate under a Robust Systematic Approach to Humane Handling.

The dressed head was observed by the SPHV with one penetrating hole in the forehead and one penetrating hole in the poll.”

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. In addition, your establishment was not operating under a Robust Systematic Approach (RSA) during the time of the event, so regulatory discretion is not possible.

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

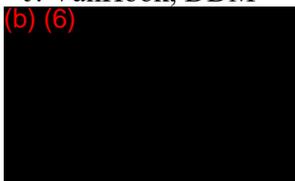
If you have any questions regarding this matter, you may contact the Denver District Office at (303)236-9800.

Sincerely,

Ms. Valerie Clay
District Manager
USDA FSIS OFO
Denver District Office
Valerie.Clay@usda.gov

**VALERIE
CLAY** Digitally signed by
VALERIE CLAY
Date: 2020.07.15
12:54:28 -06'00'

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



S. Baucher, RD/OIEA