



June 8, 2021

Marfa Meats, LLC
Establishment 47654
PO Box 1418
Marfa, TX 79843

HAND DELIVERED
CERTIFIED - RETURN
RECEIPT REQUESTED
7017 2680 0000 3189 0550

Attention: Ms. Christina Miller, Owner

NOTICE OF SUSPENSION

This letter confirms the verbal notification provided to you June 7, 2021, by Dr. Kinsey Naylor-Byles, Deputy District Manager, that the Food Safety Inspection Service (FSIS) is suspending the assignment of inspectors related to the Slaughter Hazard Analysis and Critical Control Point (HACCP) plan at Establishment 47654, Marfa Meats, LLC, Marfa, Texas.

On June 7, 2021, (b) (6), documented, on Noncompliance Record CBF2714065807N, *At approximately 1250 on 6/7/21, while performing a HATS task #8, stunning effectiveness, she observed employee (b) (6) at Marfa Meats shoot a red angus steer with a .223 rifle. The first shot was ineffective, the bullet penetrated the skin and caused the animal to begin to bleed. The steer jumped on his 2 hind legs and began to balk. The second shot was then taken, and the steer again jumped on his hind legs, turned around and ran backwards to another pen. A third shot was taken by (b) (6) where the animal remained cautious and ran forward and back to the original pen. Marfa Meats (b) (6) then used a .38 hand pistol for a fourth attempt at rendering the steer unconscious and succeeded. After the 4th attempt the animal showed all signs of unconsciousness. A fifth and final shot was taken by (b) (6) as a security knock. Upon inspection of the head it was noticed that all the shots taken where in the correct target location however 4 out of 5 shots did not penetrate the skull. I, (b) (6) tagged the knock box at Marfa Meats with U.S. Retain Tag NO. A9205775. (b) (6) was verbally notified that a noncompliance record would be generated.*

This egregious act does not meet the regulatory requirements of Title 9 of the Code of Federal Regulations (CFR) Parts 313.16(a)(1) for failure to render an animal immediately unconscious by gunshot.

Further, the actions taken clearly show that your establishment failed to handle and/or slaughter animals humanely, as required in the Humane Methods of Slaughter Act of 1978, Title 7, Section 1902, which states in part, *all animals are rendered insensible to pain by a single blow or gunshot...*

Food Safety and Inspection Service
Office of Field Operations
Dallas District Office
1100 Commerce Street, Room 516
Dallas, TX 75242
Voice 214-767-9116 Fax 844-622-0080
An Equal Opportunity Provider and Employer

This suspension action, without prior notification, is taken in accordance with the Rules of Practice, 9 CFR 500.3(b) which states, *FSIS also may impose a suspension without providing the establishment prior notification because the establishment is handling or slaughtering animals inhumanely.*

Your establishment does not have a robust systematic approach to Humane Handling and Slaughter. Therefore, FSIS is issuing a Notice of Suspension for this egregious inhumane handling event.

The suspension of the assignment of inspectors will remain in effect until such time as you provide adequate written assurance to this office of corrective actions and preventive measures to assure that the handling and/or slaughter of animals will be done humanely and in accordance with the Federal Meat Inspection Act (FMIA), 21 United States Code (USC) 603(b), and the regulations promulgated therein. You may submit your corrective and preventive actions to my attention at the Dallas District Office.

You are reminded that as an operator of a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent inhumane slaughter. Please be advised that your failure to respond adequately to these rules may result in our initiating action to withdraw inspection from your establishment.

In accordance with 9 CFR 500.5(a)(5), you may appeal this action by contacting:

Paul V. Wolseley
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service, USDA
1400 Independence Ave. SW
Room 1329 South Building
Washington, DC 20250
Office: (202) 708-9506
Cell: (630) 544-9805
paul.wolseley@usda.gov

In addition, you may request a hearing regarding this determination pursuant to FSIS's Rules of Practice, 9 CFR 500. The Rules of Practice were published in the Federal Register, Volume 64, Number 228, on November 29, 1999. As specified in Section 500.5(d), should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing.

Marfa Meats, LLC
June 8, 2021

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If you wish to request a hearing regarding this determination, you should contact:

Scott C. Safian, Director
Enforcement Operations Staff
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
Telephone: (202) 418-8872
Fax Number: (202) 245-5097

If you have any questions, please contact (b) (6)
(b) (6), or (b) (6)

Sincerely,

JENNIFER
BEASLEY
MCKEAN

c US, o U.S. Government,
ou Department of
Agriculture,
0 9 2342 19200300 100 1 1 12
001000063383, cn JENNIFER
BEASLEY MCKEAN

Jennifer Beasley-McKean, DVM

District Manager

cc:

(b) (6)
Inspector in Charge, Establishment 47654, Marfa, TX

Marfa Meats, LLC
June 8, 2021

I received a copy of this Notice of Suspension dated June 8, 2021, on:

Date

Responsible Plant Official

Signature of FSIS Witness