



United States Department of Agriculture

Food Safety and
Inspection Service

October 12, 2021

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

Beau Sheets, Owner
Genuine Meats LLC, M47251
4454 Airport Road
Riverton, WY 82501
bsheets@genuinemeats.com

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

NOTICE OF SUSPENSION

Dear Mr. Sheets,

This letter confirms the verbal notification provided to your establishment, Genuine Meats LLC, M47251, located in Riverton, WY, on Tuesday, October 12, 2021, 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 Tuesday, October 12, 2021, the FSIS Consumer Safety Inspector (CSI) documented in a noncompliance record the following event at Est. M47251:

“At approximately 11:20 am on October 12th, 2021 while observing establishment personnel render an animal unconscious by firearm, I observed the following noncompliance. The stun operator applied a round from a 12-gauge shot gun to the head of a heifer. The heifer vocalized immediately after and the stun operator called me to the stun box to observe the location of the stun placement with the animal still standing. The stun operator did not immediately produce a follow up stun attempt and I had to instruct him to immediately render the animal unconscious. The stun operator switched to a 40-caliber pistol and applied a second stun attempt to the animal. The animal vocalized again, and the operator applied a third stun attempt to the animal. After hearing no vocalization following the third stun attempt, I looked into the stun box and found the animal was still standing, moving its head back and forth, blinking its eyes and looking at myself and the stun operator, showing that the animal was still conscious. The stun operator attempted a fourth stun attempt with the 40-caliber pistol, but the pistol jammed. The animal continued to remain conscious but was not vocalizing while the stun operator attempted to unjam the pistol. After about 20 seconds the stun operator switched back to the 12-gauge shot gun and applied a fifth stun to the animal. Unconsciousness was achieved with the fifth stun to the animal, and the animal was shackled, hoisted, and bled. I took regulatory control of the stunning area with USDA reject tag B19314285 and informed (b) (6) that slaughter was to halt and that the plant was non-compliant for humane handling regulations 313.16(a)(1) for failure to produce immediate unconsciousness with a firearm.

This noncompliance is being associated with NR #QMO1909102011 issued on 10/11/2021 for the same root cause.”

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 multiple attempts were required to render a heifer unconscious, and corrective actions implemented between stuns were delayed.

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 1329, South Building
Washington, D.C. 20250
Tel: 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
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,

ROBERT
REEDER

Digitally signed by
ROBERT REEDER
Date: 2021.10.12
16:12:03 -06'00'

Dr. Robert Reeder
District Manager
USDA FSIS OFO
Denver District Office
Robert.Reeder@usda.gov

cc: FO/QR
Est. File
J. Monteverde, DDM
D. James, DDM
J. VanHook, DDM

(b) (6)

S. Baucher, RD/OIEA