



December 9, 2024

Mills County Meat Locker
Establishment 1939
1119 Parker St.
Goldthwaite, TX 76844

Hand delivered & sent via USPS

NOTICE OF INTENDED ENFORCEMENT

Attention: Mr. Saffet Kucukkarca, Owner

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our intent to withhold the marks of inspection and suspend the assignment of inspection program personnel (IPP), with prior oral notification, for your Slaughter Hazard Analysis and Critical Control Point (HACCP) processes at Mills County Meat Locker, Establishment 1939. The decision to institute this enforcement action is in accordance with Title 9 Code of the Federal Regulations (CFR) Rules of Practice, Part 500.3(b), and based on the determination that your establishment has not handled or slaughtered animals humanely. The evidence demonstrates failure to comply with the Federal Meat Inspection Act (FMIA), 21 United States Code (USC), Section 603, the Humane Methods of Slaughter Act (HMSA), 7 U.S.C. 1901 (*et seq.*), and the regulatory requirements of 9 CFR Part 313.15(a)(1) and 9 CFR 313.16(a)(1).

Background/Authority

The FMIA (21 USC 601 *et seq.*) provides it is essential to the public interest that the health and welfare of consumers be protected, by assuring meat products distributed to them are wholesome, not adulterated, and properly marked, and labeled. The Act gives FSIS the authority, as designated by the Secretary of Agriculture, to prescribe rules and regulations describing sanitation requirements for inspected establishments and provide FSIS program personnel the authority to refuse to allow meat/meat food products to be marked, labeled, stamped, or tagged as *inspected and passed*, to prevent the entry of adulterated products into commerce. Furthermore, the FMIA provides FSIS the authority to appoint inspectors to examine and inspect the method by which livestock are slaughtered and handled at slaughtering establishments.

The HMSA provides that Congress finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce. It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

**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**

Under the authority of the Acts, FSIS has prescribed rules and regulations required for establishments slaughtering and handling livestock, as required by 9 CFR Part 313. FSIS has also developed the Rules of Practice regarding administrative enforcement, 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, and for filing a complaint to withdraw a grant of inspection. Specifically, 9 CFR 500.3(b) states that FSIS may impose a suspension without providing prior notification due to handling or slaughtering of animals inhumanely.

Finding/Basis for Action

On December 6, 2024, at approximately 10:00 a.m., while on the kill floor performing inspection activities, (b) (6), Consumer Safety Inspector (CSI), observed a cow that was struck with a captive bolt once and vocalized while standing. The second attempt with the captive bolt device left the animal still standing. Your establishment employee then retrieved a 22-caliber firearm and fired into the animal's head for the third attempt, which did not result in immediate unconsciousness, as the cow was still standing. The cow was then shot a second time with your establishment's 22-caliber firearm, and it was euthanized at approximately 10:13 a.m. After the animal's head was washed and processed, only two merged holes were observed in the skull. The inhumane incident was documented on Noncompliance Record (NR) OHP1813120906N/1

Conclusion

Your establishment's multiple attempts to render an animal unconscious are considered egregious inhumane treatment and a violation of 9 CFR 313.15(a)(1) and 9 CFR 313.16(a)(1). 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 or an electrical, chemical or other means that is rapid and effective...*

FSIS can exercise regulatory discretion when an inhumane handling or slaughter incident is observed if the establishment has a systematic approach to humane handling and slaughter written in an animal handling program. Mills County Meat Locker does not have a robust written animal handling program. The decision of the Dallas District Office to issue an NOIE in this matter rather than a Notice of Suspension was because of the delayed action by inspection personnel to stop slaughter operations immediately after the inhumane incident. This decision is intended to allow you an opportunity to improve the establishment's humane handling practices as required by all parts of 9 CFR 313.

It is essential that you immediately provide effective, written corrective and preventive measures to prevent inhumane handling and slaughtering at your establishment. We are giving you the opportunity at this time to demonstrate or achieve regulatory compliance. Your written response is expected to contain two items: (1) your findings concerning the reevaluation of the Humane Handling Procedures designed and implemented by your establishment, and (2) your Action Plan, which must include all corrective/preventive measures you will take, are taking, or have

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taken, and the reasons these actions will prevent recurrence. Please provide this response within three (3) business days from the date of your receipt of this letter, no later than close of business December 12, 2024. We will determine further action, if any, based on your response.

In accordance with Title 9 CFR 500.5(b)(4), you may contest the basis for this proposed action by contacting:

Mr. Paul V. Wolseley
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service, USDA
1400 Independence Ave. SW
Room 3818 South Building
Washington, DC 20250
Cell: (b) (6)
paul.wolseley@usda.gov

If you have any questions, please contact (b) (6), District Veterinary Medical Specialist (DVMS), via telephone at (b) (6) or via electronic mail at (b) (6)@usda.gov.

Sincerely,

JENNIFER
BEASLEY
MCKEAN

Digitally signed by JENNIFER BEASLEY
MCKEAN
DN: c=US, o=U.S. Government,
ou=Department of Agriculture,
0.9.2342.19200000.100.1.1+220/10000033
33, cn=JENNIFER BEASLEY MCKEAN
Date: 2024.12.09 14:56:36 -0600

Jennifer Beasley-McKean, DVM
District Manager

cc:

(b) (6) Frontline Supervisor, Waco, TX
Inspector in Charge, Establishment 1939, Goldthwaite, TX

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I received a copy of this Notice of Intended Enforcement dated December 9, 2024, on

Date

Responsible Plant Official

Signature of FSIS Witness