



August 31, 2023

Regal Meat
Establishment 47876
5401 CR 2515
Moore, TX 78057

Hand delivered and sent via USPS

Attention: Henry Bineham, Owner

NOTICE OF INTENDED ENFORCEMENT

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) related to the Slaughter Hazard Analysis and Critical Control Point (HACCP) plan at Regal Meat, Establishment 47876, Uvalde, Texas.

Background/Authority

The Federal Meat Inspection Act (FMIA), 21 United States Code (USC) Section 601 (et seq.), and the Humane Methods of Livestock Slaughter Act (HMLSA), 7 USC 1901-1906, state that the handling and slaughtering of livestock are to be carried out only by humane methods. The United States Congress has found 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. Furthermore, these Acts provide the Food Safety and Inspection Service (FSIS) the authority to appoint inspection program personnel (IPP) to inspect, verify compliance; and enforce humane methods of handling and slaughtering of livestock to prevent needless suffering of animals.

Under the authorities of the Acts, FSIS has prescribed rules and regulations for establishments producing meat and meat products, including the Code of Federal Regulation (CFR) Title 9, Part 313, the requirements pertaining to humane slaughter of livestock, and other matters. FSIS has developed the Rules of Practice regarding enforcement in 9 CFR 500. The Rules of Practice describe the types of enforcement actions 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.

The following information is provided to support this Notice of Intended Enforcement (NOIE) for your facility.

A Noncompliance Record (NR) GVE1011083730 N/1, documented on August 30, 2023, stated in part, at approximately 10:42 a.m. while (b) (6) Consumer Safety Inspector

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

(CSI), conducted a HATS Category VIII (Stunning Effectiveness) verification task at Regal Meat, Establishment 47876, the following noncompliance was observed: CSI (b) (6) observed the designated stunning operator used a penetrating captive bolt device on a steer. The first stunning attempt failed to render the animal unconscious. During the first attempt the captive bolt penetrated the skull, but the retractable bolt remained stuck inside the steer's skull. The animal was not rendered unconscious. The steer was agitated, still standing, and vocalizing. The designated stunning operator removed the retractable bolt from the skull, stood there, and turned around to ask CSI (b) (6) if he should do a secondary knock. The designated stunning operator took approximately 10 seconds before he grabbed the readily available backup captive bolt stunning device and rendered the animal unconscious. CSI (b) (6) initiated Regulatory Control Action by affixing U.S. Rejected tag #B46507341 to the head restrainer. Failure by the establishment to render an animal unconscious on the first stunning attempt was also documented on two previous occasions; NR GVE3214084928 N/1, dated July 24, 2023, and NR GVE3214084928 N/1, dated August 28, 2023.

These acts do not meet the regulatory requirements of Title 9 of the Code of Federal Regulations (CFR), Part 313.15(a)(1) and (3). 9 CFR 313.15(a)(1), states in part, *the captive bolt stunners shall be applied to the livestock in accordance with this section so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.* 9 CFR 313.15(a)(3), states, *immediately after the stunning blow is delivered the animals shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking, and bleeding.*

Your establishment clearly failed to implement effective corrective and preventive measures in response to these repeated humane handling violations. It is the decision of the Dallas District Office to issue an NOIE in this matter rather than a Notice of Suspension, as allowed under the Rules of Practice. Title 9 CFR 500.3(b) states, FSIS also may impose a suspension without providing the establishment prior notification because the establishment is handling or slaughtering animals inhumanely. 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 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. We will determine further action, if any, based on your response.

If you have any questions, please contact (b) (6) District Veterinary Medical Specialist (DVMS) at (b) (6)

Regal Meat
Notice of Intended Enforcement
August 31, 2023

3

Sincerely,

(b) (6)

Jennifer Beasley-McKean, DVM
District Manager

cc:

(b) (6) Acting Frontline Supervisor, San Antonio,
TX Inspector in Charge, Establishment 47876, Uvalde, TX

Regal Meat
Notice of Intended Enforcement
August 31, 2023

4

I received a copy of this Notice of Intended Enforcement dated August 31, 2023, on:

Date

Responsible Plant Official

Signature of FSIS Witness