



July 8, 2024

American Butchery
Establishment 1400
PO Box 310
Santo, TX 76472

Sent via email & USPS

Attention: Mr. Zach Hobbs, Owner

LETTER OF DEFERRAL

On June 28, 2024, the Dallas District Office (DDO) issued a Notice of Intended Enforcement (NOIE) to American Butchery, Establishment 1400, Santo, Texas, notifying you of our intent to withhold the marks of inspection and suspend the assignment of inspection program personnel at your establishment. This enforcement action was taken based on your establishment failure to comply with Title 9 of the Code of Federal Regulations (CFR), Part 313.15 (a) (1) as described in the NOIE.

On July 2, and July 5, 2024, your establishment submitted written responses to the DDO containing immediate corrective actions and further preventive measures to ensure that animals would be handled and slaughtered humanely at your facility. Your planned corrective actions and preventive measures included the following:

1. Training of stun operators on proper placement of captive bolts and completion of the training to be documented on Captive Bolts Stunning Placement on Livestock log.
2. Stun devices will be cleaned and maintained prior to use on each day of slaughter and result documented on Captive Bolts and Firearm Cleaning Log.
3. On each day of slaughter, a designated employee will make a marking of "X" with a paint stick marker on the head of at least 2 cattle per day to use as reference point for placement of the captive bolt and the result will be documented on "X" Placement on Beef Cattle Head record.
4. On each day of slaughter, management or a designee will randomly observe and verify proper placement and effective stun of 20% or a minimum of 2 cattle per day and the result will be documented on 20% Observation of Stunning (Minimum 2) log.

Based on your written corrective actions and further verbal clarification during a teleconference on July 8, 2024, Dr. Kinsey Naylor-Byles, Deputy District Manager, verbally informed you of the decision to defer enforcement. Dr. Naylor-Byles explained the deferral process, including verification that the corrective actions proffered by your establishment are successfully implemented.

A copy of the Food Safety and Inspection Service (FSIS) Verification Plan is enclosed to assist you in understanding the nature and importance of the Agency's verification activities. This Verification Plan is designed to verify that your establishment fully implements the

corrective actions in your response and that these actions are effective in assuring ongoing regulatory compliance. It identifies the corrective action elements, the relevant regulatory requirements, and the Public Health Information System (PHIS) tasks under which each corrective action element will be verified.

Your establishment's personnel should continue to monitor operations to prevent the inhumane handling and slaughter of animals. It is also important for you to understand FSIS's responsibility to initiate action when there is a failure to handle or slaughter animals humanely, in accordance with the Humane Methods of Slaughter Act of 1978 (HMSA), Title 7, Chapter 48, Section 1902, the Federal Meat Inspection Act (FMIA), 21 United States Code (USC) 610(b), regulations promulgated thereunder, and in accordance with 9 CFR 500.3 (b). When these conditions exist, FSIS personnel will continue to take action until plant management institutes effective actions.

Be advised, as a federally inspected establishment you are expected to comply with all parts of 9 CFR 313 and all other requirements concerning the preparation, sale, and transportation of meat products. Failure to comply with these requirements or to implement effectively the measures outlined in your responses could lead to a withholding or suspension of inspection, or other appropriate action.

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

Sincerely,

JENNIFER
BEASLEY MCKEAN

Digitally signed by JENNIFER BEASLEY MCKEAN
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Jennifer Beasley-McKean, DVM
District Manager

cc:

(b) (6), Frontline Supervisor, Fort Worth, TX
Inspector in Charge, Establishment 1400, Santo, TX

VERIFICATION PLAN
American Butchery
Establishment 1400
July 8, 2024

On June 28, 2024, American Butchery, Establishment 1400, Santo, Texas, was issued a Notice of Intended Enforcement (NOIE) for an egregious incident of inhumane handling. This verification plan is designed to verify the corrective actions and preventive measures listed in the establishment's responses submitted on July 2 and July 5, 2024, are effectively implemented.

Livestock Humane Handling

9 CFR 313.15(b)(1)(iv), 9 CFR 320.1 (a)

Verify once

Verify that names and signatures of the employees who completed the training on placement of captive bolts documented on the **Captive-Bolt Stunning Placement on Livestock** training record match the actual employees who perform the stunning.

Livestock Humane Handling

9 CFR 313.15(a)(1), 9 CFR 313.15(b)(1)(ii), and 9 CFR 320.1(a)

Verify On each day of Slaughter

Verify that Captive bolts and firearm stun devices intended for use on beef cattle are cleaned and maintained prior to being used and result documented on the **Captive Bolts and Firearm Cleaning** log.

Verify that a designated employee makes a marking of "X" with paint stick marker on the head of at least 2 cattle per day to use as reference point for placement of the captive bolt and the result documented on **"X" Placement on Beef Cattle Head** log.

Verify that management or a designee randomly observe and verify proper placement and effective stun of 20% or a minimum of 2 cattle per day and the result documented on **20% Observation of Stunning (Minimum 2)** log.