



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations
Denver District Office

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Denver, CO 80225

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October 26, 2023

**SENT VIA
ELECTRONIC MAIL**

Kristopher Musgrave, Establishment Administrator/ Owner
Jessica Musgrave, Owner
Stagecoach Meat Company, LLC
Establishment M1748
600 West Third Ave
Wiggins, CO 80654
kmusgrave@stagecoachmeats.com
jmusgrave@stagecoachmeats.com

NOTICE OF INTENDED ENFORCEMENT (NOIE)

Dear Kristopher & Jessica Musgrave,

This letter serves as official notification by the Food Safety Inspection Service (FSIS) of its intent to withhold the marks of inspection and suspend the assignment of FSIS Inspection Program Personnel (IPP) at your establishment, Stagecoach Meat Co., LLC, Establishment M1748, located in Wiggins, Colorado. Dr. Jessica VanHook, Deputy District Manager (DDM), verbally notified you of the Notice of Intended Enforcement (NOIE) on October 25, 2023. The decision to issue this notification was made in accordance with 9 CFR 500.3(b) (Rules of Practice), based on your failure to meet regulatory requirements regarding livestock humane slaughter at your establishment.

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 October 25, 2023, the FSIS inspection team documented in a Noncompliance Record (NR) the following event at Est. M1748:

“HATS Category IX: Return to Consciousness

At approximately 10:32am while performing a Livestock Humane Handling task, I the SPHV, accompanied by the CSI and establishment manager, observed stunning, sticking, and bleeding of a market swine. This was the 8th and final hog of the day. I observed the stunning operator apply the electrical current device to the head of the swine, and the swine immediately collapsed to the ground in right lateral position. The swine did not show any signs of consciousness at this time and was immediately stuck for bleeding while on the floor. As the animal was bleeding; the swine began vocalizing in increasingly rapid fashion and managed to right itself to a sternal position. The swine then moved back into lateral position and was observed to be rhythmically breathing. The eyes were not visualized due to safety precautions and the positioning of the swine. The stunning operator asked me, the SPHV, if he should stun again. I responded that stunning again should be up to his discretion, to which he again asked me what he should do. The SPHV instructed the stunning operator to deliver another electrical current stun to the rhythmically breathing and vocalizing right lateral positioned swine, to which complete unconsciousness was immediately observed as rhythmic breathing and vocalization ceased. The stun operator stuck the swine for bleeding again, but little to no bleeding was observed.

The SPHV immediately contacted the District Veterinary Medical Specialist (DVMS) to report the observations, and then applied US Reject Tag #B41418880 to the stun box at approximately 10:37am. Establishment manager was verbally notified of the forthcoming noncompliance due to the swine returning to consciousness following an effective stun.

The CSI inspected the carcass at the final rail inspection stand at approximately 10:55am and observed that the initial stick for bleeding angled into the shoulder, thereby incompletely lacerating the carotid artery and jugular vein, along with observing multiple blood clots within the neck and shoulder region. The SPHV also inspected the carcass and concurs with the observation that was reported by the CSI.

There have been no noncompliance records issued for the same root cause in the past 90 days. This establishment has implemented and maintained a Robust Systematic Approach to the Humane Handling of Livestock.”

Summary

This event is a noncompliance of regulatory requirements in:

- Title 9 CFR 313.30(a)(4): *The stunned animal shall remain in a state of surgical anesthesia through shackling, sticking, and bleeding.*
- Title 9 CFR 313.30(b)(1): *General requirements for operator. It is necessary that the operator of electric current application equipment be skilled, attentive, and aware of his or her responsibility.*

The decision to issue a NOIE in lieu of a Notice of Suspension (NOS) is based on your establishment implementing a robust systematic approach to humane handling of livestock.

You are required to proffer the Denver District Office a written response of your analysis of the event, corrective actions and preventative measures within three (3) working days from the receipt of this letter, no later than the close of business, **October 30, 2023**. Your response 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.

Based on your response, FSIS will determine further action, if any, is necessary. In addition, failure to respond to this NOIE and failure to assure that you handle and slaughter animals at your establishment humanely, in accordance with the statutory and regulatory requirements, may result in further administrative enforcement actions.

In accordance with Title 9 CFR 500.5(b)(4), you may appeal this action by contacting:

William Griffin
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
SB, Room 3164
1400 Independence Avenue, SW
Washington, DC 20250
Email: William.Griffin1@usda.gov
Phone: (202) 961-7156

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: 2023.10.26 10:20:38 -0600'

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

cc: FO/QER
W. Griffin, EARO
D. James, DDM
J. Monteverde, DDM
J. VanHook, DDM
(b) (6) SPHV
(b) (6) SCSI
(b) (6) CSI
(b) (6) DVMS
(b) (6) SELAO
S. Smith, RD/OIEA