



United States Department of Agriculture

Food Safety and
Inspection Service

December 18, 2023

Office of Field
Operations
Denver District Office

**SENT VIA
ELECTRONIC MAIL**

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Center, Bldg. 45
P.O. Box 25387
Denver, CO 80225

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

(b) (6), Establishment Administrator
Colorado Lamb Processors
Establishment M47914
1625 Agripark Rd
Brush, CO 80734
(970)381-0141
[\(b\) \(6\)@cololamb.com](mailto:(b) (6)@cololamb.com)

Attention: (b) (6), Establishment Administrator

NOTICE OF INTENDED ENFORCEMENT (NOIE)

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 provided by Dr. Jessica VanHook, Deputy District Manager on December 18, 2023, at Colorado Lamb Processors, Establishment M47194, located in Brush, CO. The decision to institute this enforcement action is in accordance with Title 9 Code of the Federal Regulations (CFR) Rules of Practice 500.3(b) (Rule of Practice), based on your establishment's failure to meet regulatory requirements regarding livestock humane slaughter.

Background / Authority

The Federal Meat Inspection Act (FMIA) (21 USC 603 (b)) and Poultry Products Inspection Act (PPIA) (21 USC 451 et seq.) provides for the purpose of preventing the inhumane slaughtering of livestock. The FMIA gives FSIS the authority, as designated by the Secretary 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 delegated 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 the Rules of Practice regarding enforcement (Title 9 CFR, Part 500). The Rules of Practice describe the types of enforcement action 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 Federal Grant of Inspection. FSIS can refuse to render inspection and indefinitely withdraw inspection from an establishment, provided the establishment is afforded the right to an administrative hearing.

Findings / Basis for Action

On December 18, 2023, the FSIS Supervisory Consumer Safety Inspector (SCSI) documented in a Noncompliance Record (NR) the following event at Est. M47194:

“On Monday, December 18, 2023, at approximately 0800 hours while observing on the kill floor, I, the SCSI, observed a lamb coming through the window from the stun box to the bleed table that was unconscious, following an electrical current stun, which returned to consciousness. The lamb was stiff and in right lateral recumbency as it exited the brisket conveyor restraint and slid down the ramp to the Halal bleed table. As the establishment employee went to flip the lamb into left lateral recumbency on the table for the Halal shochet to make his ritual cut, the lamb stood completely up on the table and tried to escape. A plant employee immediately covered the lamb with his body so that the lamb could not escape. A floor supervisor retrieved the backup hand-held captive bolt (HHCB) device, then the Slaughter Supervisor arrived and retrieved the backup HHCB device from the floor supervisor and render the manually restrained animal insensible with one stun attempt with the HHCB device. I tagged the stun area at 0806 hours with USDA Rejected Tag B45969866. I verbally informed the HACCP Coordinator of the incident, and that the establishment could clear out the line but nothing else could be slaughtered until we got further instructions.

The Denver District Management Team was notified through supervisory channels. There have been no noncompliance records issued for the same root cause within the past 90 days.”

Prior to this incident, the establishment was determined to have a Robust Systematic Approach to humane handling.

Conclusion

In accordance with the Rules of Practice specified in 9 CFR Part 500.3(b), FSIS is notifying you of our intent to suspend the assignment of FSIS inspectors. 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.*

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 and the details of the incident.

Please provide the Denver District Office with a written response concerning this NOIE within three (3) business days from the date of your receipt of this letter, no later than close of business

December 21, 2023. We will determine further action, if any, based on your response. 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.

You may submit your response by fax to (303-236-9794), or by electronic mail. In the event FSIS takes a withholding action or imposes a suspension, in accordance with Title 9 CFR 500.5(a)(5), 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, you can contact the Denver District Office at (303) 236-9800 or by fax at (303) 236-9794.

Sincerely,

**ROBERT
REEDER**

Digitally signed by ROBERT
REEDER
Date: 2023.12.18 11:27:29
-0700'

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

cc: W. Griffin, EARO
R. Reeder, DM

(b) (6), Establishment, Administrator
Colorado Lamb Processors, EST. M47194

Notice of Intended Enforcement
December 18, 2023

S. Smith, OIEA Regional Director

J. VanHook, DDM

D. James, DDM

J. Monteverde, DDM

(b) (6), SELAO

(b) (6), DVMS

(b) (6), SPHV

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FO/Quarterly Reports