



United States Department of Agriculture

Food Safety and Inspection  
Service

March 19, 2024

Office of Field Operations  
Jackson District Office  
713 S Pear Orchard Rd.  
Plaza 2, Suite 402  
Ridgeland, MS 39157

Bluegrass Lamb Company, LLC  
Est. M47248  
64 First Union Church Road  
Glendale, Kentucky 42740  
[valerie@bluegrasslambcompany.com](mailto:valerie@bluegrasslambcompany.com)  
502-565-8817

ELECTRONIC MAIL on March 19, 2024  
FEDEX TRACKING # 775586433400

Attention: Ms. Valerie Samutin, Executive Director/Owner

### NOTICE OF DEFERRAL

On March 7, 2024, the Food Safety Inspection Service (FSIS) issued a Notice of Intended Enforcement (NOIE) to your establishment, Bluegrass Lamb Company, LLC, Est. M47248, located at 64 First Union Church Road, Glendale, KY. The decision to institute this enforcement action was in accordance with Title 9 of the Code of Federal Regulations (CFR), Rules of Practice 500.4, based on the determination that your establishment did not handle or slaughter (euthanize) animals humanely. The evidence demonstrates failure to comply with the Federal Meat Inspection Act (FMIA) (21 U.S.C. 603), the Humane Methods of Slaughter Act (HMSA) (7 U.S.C. 1901 et seq.), and the regulatory requirements of 9 CFR Part 313.

Specifically, on March 7, 2024, at approximately 0730 hrs. EST, establishment personnel for Bluegrass Lamb Co., Est. M47248, notified Inspection Program Personnel (IPP) of the intent to euthanize a suspect lamb (M-2826214) being held for treatment by your establishment. At approximately 0740 hrs. EST, the Supervisory Veterinary Medical Officer (SVMO) went to the holding pens of your establishment to find the suspect lamb lying in lateral recumbency, rhythmically breathing, with your establishment personnel standing over the animal. Upon closer inspection, blood was observed running from the nares of the lamb, with normal eye movement. The SPHV inquired of your establishment personnel if the lamb had been shot using the hand-held captive bolt device (HHCBD), to which your establishment personnel stated the lamb had been shot twice in the poll region of the head with the HHCBD and confirmed as observed by the Consumer Safety Inspector (CSI) assigned to your establishment. When the SPHV approached the lamb more closely and made a loud clapping sound, the lamb was observed to flinch in response and have normal eye tracking. The SPHV informed your establishment personnel that the lamb was still sensible and the need to render the animal insensible. Your establishment personnel retrieved the same HHCBD and fired a third shot to the forehead of the animal thereby rendering it insensible, and so it remained. Operations Manager (b) (6) and Kill Floor Supervisor (b) (6) were notified of the noncompliance with 9 CFR § 313.15(a)(1) and 9 CFR § 313.15(a)(3). U.S. Rejected tag #B45710220 was placed upon your establishment's kill floor entrance and the chain of command was contacted for further guidance.

On March 10, 2024, you submitted your first written response with corrective actions and preventive measures to meet regulatory requirements. The Jackson District Office

(JDO) analyzed your response and advised you that the proffered corrective actions and preventive measures were not adequate. A request for clarification and additional information was sent via electronic mail from the JDO to your establishment on March 11, 2024. On March 12, 2024, you submitted a written request to the JDO requesting an extension to submit additional information to your first submittal of corrective actions and preventive measures. On March 12, 2024, the JDO granted your request for an extension and informed you that your corrective actions and preventive measures will be due on March 19, 2024.

On March 17, 2024, you submitted all clarification and additional information with written corrective actions and preventive measures to meet regulatory requirements. The JDO analyzed your proffered corrective actions and preventive measures and determined that the response adequately addressed the identified issues. On March 19, 2024, at approximately 10:30 AM CT the FSIS JDO verbally informed you of FSIS's decision to place the NOIE action into deferral. This letter is to formally inform you of this action.

A copy of FSIS' Verification Plan will be provided 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 properly implements the revisions to its humane handling of animals and other corrective actions and preventive measures stated in your March 10 and March 17, 2024, responses, and that these revisions and corrective actions are effective in ensuring future regulatory compliance. The verification plan identifies your corrective actions, the regulatory requirements, and the PHIS Tasks under which FSIS officials will verify the implementation and effectiveness of your proffered action plan. Only FSIS can amend the verification plan and any modifications to your submitted acceptable corrective actions made during the deferral period will need to be submitted in writing to FSIS for verification of compliance prior to implementation by your establishment.

Please be advised that as a federally inspected establishment, you are expected to comply with the Federal Meat Inspection Act and the Humane Methods of Slaughter Act, and all other requirements concerning the humane slaughter (euthanization) of livestock. Failure to comply with these requirements or to effectively implement the measures proffered in your responses dated March 10 and March 17, 2024, could lead to the withholding or suspension of inspection or other appropriate action.

If you have any questions, please contact Dr. Larry Davis via telephone at (601) 863-4206 or via electronic mail at [larry.davis4@usda.gov](mailto:larry.davis4@usda.gov). Additionally, you can contact the Jackson District Office at (601) 965-4312 or by fax at (601) 965-5901.

Sincerely,

**LARRY DAVIS**

Digitally signed by LARRY  
DAVIS  
Date: 2024.03.19 10:17:16  
-05'00'

Dr. Larry Davis  
District Manager  
Jackson District Office

Valerie Samutin, Executive Director/Owner  
Bluegrass Lamb Company, LLC, Est. M47248

Notice of Deferral  
March 19, 2024

Cc: Ms. Melissa Moore, EARO  
(b) (6), Humane Handling Enforcement Coordinator  
Mr. Larry Hortert, OIEA Regional Director  
Dr. Larry Davis, DM  
Dr. Kermit Harvey, DDM  
Ms. Cheryl Henry, DDM  
Dr. Erin Moses, DDM  
(b) (6), SEIAO  
(b) (6), DCS  
(b) (6), DVMS  
(b) (6), FLS  
(b) (6), SPHV at Est. M47248  
FO/Quarterly Reports