



United States Department of Agriculture

Food Safety and
Inspection Service

March 6, 2023

Office of Field
Operations
Denver District Office

SENT VIA ELECTRONIC MAIL

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Center, Bldg. 45
P.O. Box 25387
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Tylee Williams, Owner
Star Valley Meat Block
Establishment 47200 M/V
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NOTICE OF INTENDED ENFORCEMENT (NOIE)

Dear Ms. Williams,

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, Star Valley Meat Block, Establishment 47200 M/V, located in Thayne, Wyoming. (b) (6), Supervisory Public Health Veterinarian (SPHV), verbally notified you of the Notice of Intended Enforcement (NOIE) on March 6, 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 March 6, 2023, the FSIS SPHV documented in a Noncompliance Record (NR) the following event at Est. 47200 M/V:

“On March 6, 2023, at approximately 0906 hours while performing HATS verification of stunning effectiveness, I, the SPHV observed the following noncompliance. I observed the establishment attempting to drive a pig into the stun box and utilize the fabricated removable blocker board to narrow the stun box. The swine was kicking and able to knock the blocker board off. I observed the stun operator inside the stun box with the swine and retreated to a safe location. Utilizing a .22 caliber revolver, I heard the firearm discharge. I observed the pig to remain standing and vocalizing. The stun operator immediately applied a second stun attempt with the same .22 caliber revolver and the pig was rendered insensible. I observed the animal to remain unconscious during the bleeding process. U.S. Reject tag #B-45 316554 was applied to the stun box.

Two penetrating stun holes were observed in the dressed skull upon inspection.

The Denver District Management Team was notified through supervisory channels. This establishment operates under a robust systematic approach to livestock humane handling.”

This event is a noncompliance of regulatory requirements in Title 9 CFR 313.16(a)(1) *The firearms shall be employed in the delivery of a bullet or projectile into the animal in accordance with this section so as to produce immediate unconsciousness in the animal by a single shot before it is shackled, hoisted, thrown, cast, or cut.*

In addition to the above noncompliance, over the past year and a half the following noncompliances or enforcements have been documented with an average of only 6 slaughter days (ranging from 0 to 18 slaughter days) between non-compliances. FSIS recognizes Star Valley Meat Block does not slaughter a significant number of animals per day or week and has large gaps of time, sometimes several months, between inspected slaughter dates. That said, Star Valley, in 2023, has slaughtered livestock under inspection for approximately 21 days and already has at least 5 instances of some type of humane handling noncompliance. In 2022, Star Valley logged approximately 64 days of slaughter involving domestic livestock and/or voluntary species but had at least 11 instances of some type of humane handling issue ranging from MOIs, NRs, and a Denial of Voluntary Services. Ineffective stunning for the approximate 1 ½ year time span has been documented at least 11 times. This information demonstrates Star Valley Meat Block has a prevalent recurrent noncompliance rate that demonstrates an inability to humanely handle or effectively stun livestock. The following list represents the current trend and are specific examples of humane handling issues documented since August 2021 to current:

- 8/4/2021 – Memoranda of Interview (MOI) issued due to cattle having no access to water.
- 9/9/2021 – MOI issued due to an ineffective stun (2 attempts needed) on a bovine with a

firearm occurring on 9/7/2021 (NR not issued due to the extended period between the event and report).

- 2/18/2022 – MOI issued due to two ineffective stuns (3 attempts) on a bovine with a firearm occurring on 2/16/2022 (NR not issued due to IPP not directly observing the noncompliance).
- 5/10/2022 – Denial of Voluntary Service issued. Four (4) stuns were required to render a yak insensible with a firearm.
- 5/25/2022 – NR issued due to an ineffective stun (2 attempts) on a bovine with a firearm.
- 6/15/2022 – MOI issued due to an ineffective stun (2 attempts) on a bovine with a firearm occurring on 6/8/2022 (NR not issued due to the extended period between the event and report).
- 7/26/2022 – NR issued due to a bovine slipping and falling at chute entrance.
- 7/28/2022 – NR issued due to an ineffective stun (3 attempts) on a bovine with a firearm.
- 7/29/2022 – NR issued due to an ineffective stun (2 attempts) on a bovine with a firearm.
- 12/6/2022 – NR issued due to an ineffective stun (2 attempts) on a bovine with a firearm.
- 12/19/2022 – NR issued due to cattle having no access to water.
- 1/12/2023 – NR issued due to an ineffective stun (3 attempts) on a bovine with a firearm.
- 1/26/2023 – NR issued due to cattle slipping while being driven from pens to chute.
- 2/13/2023 – NR issued due to an ineffective stun (2 attempts) on a swine with a firearm.
- 2/23/2023 – NR issued due to cattle slipping and falling due to ice in pens.
- 3/6/2023 – today's issue due to an ineffective stun (2 attempts) on a swine with a firearm.

In addition to the above documented trend of humane handling noncompliances, IPP have issued MOIs on 8/13/2021, 4/28/2022, and 6/15/2022 documenting discussions of humane handling requirements between IPP and your establishment. An MOI was also issued on 8/9/2022 documenting a discussion with your establishment in which the Frontline Supervisor, (b) (6), and SPHV (b) (6) expressed concerns regarding the trend of humane handling noncompliance observed by FSIS.

Summary

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. However, the documented trend of humane handling noncompliances, despite multiple discussions with FSIS regarding humane handling requirements, leaves us without assurances that animals slaughtered at your establishment will be handled and slaughtered humanely, and in accordance with 9 CFR 313 regulations.

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, March 10, 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:

Paul Wolseley, Executive Associate for Regulatory Operations
OFO, FSIS, USDA
1400 Independence Avenue, SW
SB, Room 3160
Washington, DC 20250
Email: Paul.Wolseley@usda.gov
Phone: (202) 937-4761

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: 2023.03.06 18:59:45 -07'00'

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

cc: FO/QER
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