



July 24, 2023

USA Beef Packing, LLC
Establishment 51303
3845 Cedarvale Rd.
Roswell, NM 88203

Hand delivered and sent via USPS

Attention: Mr. Jose Alberto Madrid, Owner

NOTICE OF SUSPENSION

This letter confirms the verbal notification provided to (b) (6), Food Safety Manager on July 22, 2023, by Dr. Kinsey Naylor-Byles, Deputy District Manager, that the Food Safety Inspection Service (FSIS) is suspending the assignment of inspectors related to the Slaughter Hazard Analysis and Critical Control Point (HACCP) plan at Establishment 51303, USA Beef Packing LLC, Roswell, New Mexico.

On Saturday, July 22, 2023, at approximately 8:30 a.m., (b) (6), Supervisory Public Health Veterinarian (SPHV), heard a hog squealing in the knock box area of the establishment. He immediately made his way to the knock box and noted that a standing hog had a burnt nose, and the knocker was attempting to stun the animal with the electrical stunner. This attempt did not work as the animal was still on its feet, continuing to move about, and was also vocalizing. The employee decided to use the captive bolt device. The animal moved its head during the attempted knock which caused the captive bolt to entirely miss the animal. The captive bolt was then handed to another plant employee. This person had to find another charge and load the captive bolt. He then attempted to knock the animal which, though struck, was not rendered unconscious. The hog was still standing and vocalizing. Another knock was performed and made contact, but again the animal remained standing and vocalizing. The fourth attempt was an effective stun and rendered the animal unconscious. The hog immediately dropped to the ground, stopped vocalizing, and had no corneal reflex. (b) (6) placed USDA Reject Tag B42123972 on the knock box and notified (b) (6) of this violation of Title 9 of the Code of Federal Regulations (CFR) Part 313.30(a)(1), 9 CFR 313.30(a)(3), and 9 CFR 313.15(a)(1).

The actions taken clearly show your establishment failed to handle and/or slaughter animals humanely, as required in the Humane Methods of Slaughter Act of 1978, Title 7, Section 1902, which states in part, *all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective...*

This suspension action, without prior notification, is taken in accordance with the Rules of Practice, 9 CFR 500.3(b) which states, *FSIS also may impose a suspension without providing the establishment prior notification because the establishment is handling or slaughtering animals inhumanely.*

Food Safety and Inspection Service
Office of Field Operations
Dallas District Office
1100 Commerce Street, Room 516
Dallas, TX 75242
Voice 214-767-9116 Fax 844-622-0080
An Equal Opportunity Provider and Employer

Your establishment does have a robust systematic approach. You have used this program consistently specific for cattle slaughter. However, approximately one month ago you began slaughtering swine for the first time, and you did not reassess your humane handling program accordingly. The Inspector in Charge had not verified the systematic approach was robust and implemented specific to swine. Therefore, FSIS is issuing a Notice of Suspension for this egregious inhumane handling event.

The suspension of the assignment of inspectors will remain in effect until such time as you provide adequate written assurance to this office of corrective actions and preventive measures to assure that the handling and/or slaughter of animals will be done humanely and in accordance with the Federal Meat Inspection Act (FMIA), 21 United States Code (USC) 610(b), and the regulations promulgated therein. You may submit your corrective and preventive actions to my attention at the Dallas District Office.

You are reminded that as an operator of a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent inhumane slaughter. Please be advised that your failure to respond adequately to these rules may result in our initiating action to withdraw inspection from your establishment.

In accordance with 9 CFR 500.5(a)(5), you may appeal this action by contacting:

Ms. Melissa Moore
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service, USDA
1400 Independence Ave. SW
Room 3160 South Building
Washington, DC 20250
Office: (202) 450-0330
melissa.moore@usda.gov

In addition, you may request a hearing regarding this determination pursuant to FSIS's Rules of Practice, 9 CFR 500. The Rules of Practice were published in the Federal Register, Volume 64, Number 228, on November 29, 1999. As specified in Section 500.5(d), should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing. If you wish to request a hearing regarding this determination, you should contact:

Mr. Scott C. Safian, Director
Enforcement Operations Branch
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
United States Department of Agriculture
Stop Code 3753, PP3, Cubicle 9-235-A
1400 Independence Avenue, SW
Washington, DC 20250
Telephone: (202) 418-8872
Fax Number: (202) 245-5097

USA Beef Packing, LLC
Notice of Suspension
July 24, 2023

3

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

Sincerely,

JENNIFER
BEASLEY
MCKEAN

Digitally signed by JENNIFER
BEASLEY MCKEAN
DN: c=US, o=U S Government,
ou=Department of Agriculture,
0 9 2342 19200300 100 1 1-1200100
0063383, cn=JENNIFER BEASLEY
MCKEAN

Dr. Jennifer McKean, DVM
District Manager

cc:

(b) (6), Frontline Supervisor, Albuquerque, NM
Inspector in Charge, Establishment 51303, Roswell, NM

USA Beef Packing, LLC
Notice of Suspension
July 24, 2023

I received a copy of this Notice of Suspension dated July 24, 2023, on:

Date

Responsible Plant Official

Signature of FSIS Witness