



December 11, 2019

Huse's Processing Inc.  
Establishment 13445/P-13445  
3697 SH 171  
Malone, TX 76660

HAND DELIVERED  
CERTIFIED - RETURN  
RECEIPT REQUESTED  
7017 2680 0000 3276 6021

Attention: Mr. Randy Huse, Owner

## **NOTICE OF INTENDED ENFORCEMENT**

This 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 related to the Slaughter Hazard Analysis and Critical Control Point (HACCP) plan(s) at Huse's Processing Inc., Establishment 13445/P-13445, Malone, Texas.

### **Background/Authority**

The Federal Meat Inspection Act (FMIA), 21 United States Code (USC) Section 601 (et seq.), and the Humane Methods of Livestock Slaughter Act (HMLSA), 7 USC 1901-1906, state that the handling and slaughtering of livestock are to be carried out only by humane methods. The United States Congress has found that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce. Furthermore, these Acts provide the Food Safety and Inspection Service (FSIS) the authority to appoint inspection program personnel (IPP) to inspect, verify compliance; and enforce humane methods of handling and slaughtering of livestock to prevent needless suffering of animals.

Under the authorities of the Acts, FSIS has prescribed rules and regulations for establishments producing meat and meat products, including the Code of Federal Regulation (CFR) Title 9, Part 313, the requirements pertaining to humane slaughter of livestock, and other matters. FSIS has developed the Rules of Practice regarding enforcement in 9 CFR 500. The Rules of Practice describe the types of enforcement actions 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 Grant of Inspection.

### **Findings/Basis for Action**

The following information is provided to support this Notice of Intended Enforcement (NOIE) for your facility:

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

On December 10, 2019, at approximately 3:30 p.m., while observing slaughter operations, (b) (6) observed an establishment employee attempt to stun a heifer in the knock box with a captive bolt. The animal fell to the ground but was still conscious and vocalizing. The establishment employee immediately retrieved the backup captive bolt device and rendered the animal unconscious. (b) (6) applied U.S. Rejected/Retained tag# B36297586 to the knock box.

On September 20, 2019, Noncompliance Record (NR) # ABI10209094720N/1 was issued for ineffective stunning of a market swine using a captive bolt. The backup device was not present as mandated by the establishment's Robust Systematic Approach to Humane Handling. After the initial knock did not render the animal unconscious. An employee loaded a second captive bolt and the animal was rendered unconscious.

These egregious acts do not meet the regulatory requirements of 9 CFR 313.15 which states in part, *(a) Application of stunners, required effect; handling. (1) The captive bolt stunners shall be applied to the livestock in accordance with this section so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort... (3) Immediately after the stunning blow is delivered the animals shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding.*

On December 10, 2019, at approximately 7:40 a.m., (b) (6) observed an establishment employee attempt to stun a longhorn steer with a bolt action .22 Magnum rifle in the alley using gates to limit the animal's free movement. The initial shot failed to render the animal unconscious and the animal attempted to escape the gates. The establishment employee immediately chambered another round and rendered the animal unconscious. (b) (6) applied U.S. Rejected/Retained tag # B36297590 to the alley and issued NR # ABI5409123510N/1.

On September 10, 2019, NR# ABI2616091910N/1 was issued for ineffective stunning of bull with gunshot. The bull escaped during unloading. It was corralled in a corner and the first shot failed to render it unconscious.

October 4, 2019, NR #ABI5115104604N/1 was issued for ineffective stunning of a calf, and for stunning area design. The calf slipped and fell in the knock box and could not be returned to a standing position. The first shot did not render the animal unconscious and the animal was vocalizing. The second shot rendered it unconscious.

These egregious acts do not meet the regulatory requirements of the 9 CFR 313.16 which states in part, *(a) Utilization of firearms, required effect; handling. (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. The animal shall be shot in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.*

Further, actions taken clearly showed that 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, *(a) in the case of cattle, calves, horses, mules, sheep, swine, and other livestock, 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, before being shackled, hoisted, thrown, cast, or cut...*

Your establishment has implemented a humane handling program to meet regulatory requirements; therefore, the Dallas district Office has made the decision to issue an NOIE in this matter rather than a Notice of Suspension, as allowed under 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.* This decision is intended to allow you an opportunity to enhance your written program and its implementation, and enhance the success of a robust, systematic approach to humane handling.

It is essential that you immediately provide effective, written corrective and preventive measures to prevent inhumane handling and slaughtering at your establishment. We are giving you the opportunity at this time to demonstrate or achieve regulatory compliance. Your written response is expected to contain two items: (1) your findings concerning the reevaluation of the Humane Handling Procedures designed and implemented by your establishment, and (2) your Action Plan, which must include all corrective/preventive measures you will take, are taking, or have taken, and the reasons these actions will prevent recurrence. Please provide this response within three (3) business days from the date of your receipt of this letter. We will determine further action, if any, based on your response.

If you have any questions, please contact (b) (6)  
(b) (6)

Sincerely,



Jennifer Beasley-McKean, DVM  
District Manager

cc:  
(b) (6)

Inspector in Charge, Establishment 13445/P-13445, Malone, TX

Huse's Processing Inc.  
December 11, 2019

I received a copy of this Notice of Intended Enforcement dated December 11, 2019, on:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Responsible Plant Official

\_\_\_\_\_  
Signature of FSIS Witness