



**SENT VIA FEDEX &
ELECTRONIC MAIL**

November 6, 2017

Jon Beedy, HACCP Coordinator
Masami Foods, Inc.
Establishment M6173
5222 Tingley Lane
Klamath Falls, OR 97603
jbeedy@masami-foods.com

NOTICE OF SUSPENSION

Dear Mr. Beedy,

This letter confirms the verbal notification provided to your establishment, Masami Foods, Inc., Establishment M6173, located in Klamath Falls, OR on Monday, November 6, 2017, by the Food Safety Inspection Service (FSIS), Denver District, of the suspension of the assignment of inspectors and the withholding of the marks of inspection at your establishment for slaughter operations. This action was initiated in accordance with Title 21 of the United States Code (USC), Section 603(b) and Title 9 of the Code of Federal Regulations (CFR) Part 500.3(b) (Rules of Practice).

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

Food Safety and Inspection Service
Denver District Office
1 Denver Federal Center, Bldg. 45, PO Box 25387
Denver, CO 80225
(303) 236-9800 Fax (303) 236-9794
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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.

Findings/Basis for Action

On Monday, November 6, 2017, the FSIS Supervisory Public Health Veterinarian (SPHV) documented in a Memorandum of Information (MOI) the following event at Est. M6173:

At approximately 0620 hours, the SPHV observed the establishment employees attempt to drive an aggressive beef cow through the runs to the ramp. The cow was cordoned off in an approximately 15 ft. x 40 ft. area in the west side drive alley. The cow would charge the establishment staff creating a safety risk to the employees. The establishment made the decision to use a .22 caliber rifle to stun and slaughter the cow within this area.

The SPHV observed the establishment employee's first stunning attempt hit the forehead but the animal remained standing and was not rendered unconscious or insensible with blood seeping from both nostrils and mouth. A second attempt was applied with the same rifle and it entered again into the forehead with the animal jerking its head back but still remaining upright and conscious. The establishment employee was about 30 ft. away from the animal when attempting to stun the animal.

The establishment employee then changed his approach to animal from the other side of the west side alley. The establishment employee was approximately 5 to 10 feet away from animal and attempted a third stunning attempt with the .22 caliber rifle which successfully rendered the animal unconscious. The animal was then bled and moved to the harvest area. The time between the first and second stunning attempts was approximately 2 to 5 minutes. The time between the second and third attempt was approximately 5 to 10 minutes. After the establishment skinned the head, the SPHV observed a hole to right of midline but approximately 2 cm medial to right medial canthus of eye, a second hole midline but on the level of an imaginary line from right to left medial canthi, and third hole at the cross section of two diagonal imaginary lines from right eye to left ear and left eye to right ear.

At the direction of the acting FLS, Reject tags B 32 115846, B 32 115847, B 32 115848, B 32 115849 were then placed on the west side alley, kill alley, door to knock box, and knock box. After speaking to acting FLS, reject tag B 32 115850 was placed on conveyer leading to electrical stun area. Retain tag MPD 63770598 was place on carcass, head and viscera and is on hold in cooler until further notice. (b) (6) and (b) (6) (b) (6) were notified of the egregious humane handling incident.

Summary

The decision to suspend the assignment of inspectors at your establishment is based on this noncompliance with 9 CFR 313.16(a)(1). This is an egregious inhumane noncompliance; an egregious noncompliance is any act or condition that results in severe harm to the animal, such as multiple attempts to stun an animal, versus a single blow or shot that renders an animal

immediately unconscious. Currently, your firm operates under a robust systematic approach to humane handling; however, this event indicates that your employee failed to implement the robust systematic approach needed to adequately render an animal unconscious on the first stunning attempt.

The suspension of the assignment of inspectors will remain in effect until such time as you provide the Denver District Office adequate written corrective actions and preventative measures to ensure that livestock at your establishment are handled and slaughtered humanely, and in accordance with the FMIA, the HMSA, and 9 CFR 313 regulations.

These should include:

- A written description of the incident.
- The root cause of the incident.
- Your specific proposed corrective actions and preventative measures addressing the cause of the incident.

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

Dr. Keith Gilmore
Executive Associate for Regulatory Operations
USDA/FSIS/OFO
210 Walnut St
Room 985, Federal Building
Des Moines, IA 50309
Tel: 515-727-8970
Keith.Gilmore@fsis.usda.gov

In accordance with 9 CFR Part 500.5 (d), you may request a hearing concerning this action by contacting:

Scott C. Safian, Director
Food Safety and Inspection Service
Office of Investigation, Enforcement and Audit
Enforcement and Litigation Division
Stop Code 3753, PP3, Cubicle 8-235A
1400 Independence Avenue, SW
Washington, D.C. 20250
Voice: (202) 418-8872
Fax: (202) 245-5097

If you have any questions regarding this matter, you may contact the Denver District Office at (303) 236-9800.

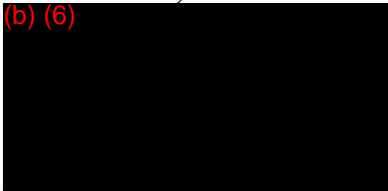
Sincerely,



Anna Gallegos ^{for}
District Manager
FSIS Denver District Office
Anna.Gallegos@FSIS.USDA.GOV

cc: FO/QR
Reader File
Est. File
M. Esteras, DDM
R. Reeder, DDM
R. Atkinson, DDM

(b) (6)



A. Khroustalev, RD/OIEA