



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations
Denver District Office

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Center, Bldg. 45
P.O. Box 25387
Denver, CO 80225

Voice (303)236-9800
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December 11, 2019

**SENT VIA FEDEX &
ELECTRONIC MAIL**

Mr. James Roberts, Owner
Owyhee Meat Company, Est. M454
3408 Industrial Road
Homedale, ID 83628
Owyhee.meat.co.10@gmail.com

NOTICE OF SUSPENSION (NOS)

Dr. Mr. Roberts,

This letter confirms the verbal notification provided to your establishment, Owyhee Meat Company, Establishment M454, located in Homedale, ID, on Tuesday, December 10, 2019, 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 (b) (6)

(b) (6) notified you of the suspension action. 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 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 Tuesday, December 10, 2019, the FSIS Supervisory Public Health Veterinarian (SPHV) and Consumer Safety Inspector (CSI) documented in a Memorandum of Information (MOI) the following event at Est. M454:

At approximately 1410 hours, the SPHV was in the USDA office adjacent to the slaughter floor. The SPHV heard but did not directly observe one hand-held captive bolt (HHCB) device discharge and heard a carcass dropping to the ground. The SPHV then heard a bovine vocalize, at which point the SPHV went to directly observe the next actions. The SPHV observed the stun operator apply a stun to the animal lying on the floor with the backup hand-held captive bolt (HHCB) device. The SPHV observed the stun operator then shackle, hang, and stick the animal for bleeding. The SPHV observed the animal was still rhythmically breathing and exhibiting a righting reflex. The bovine then let out another sustained vocalization after being stuck a second time by the stun operator. At this time, the SPHV observed the stun operator apply a third stunning attempt with the re-loaded backup HHCB device and the animal ceased vocalization and movement, with its head hanging limp. The SPHV applied U.S. Reject Tag #B30665921 to the stun box.

The CSI was present on the slaughter floor during the incident and observed a bovine that had been stunned was hoisted to a chain from its hind legs and was rhythmically breathing. The CSI asked the stun operator to stun the animal again, but the stun operator did not have the hand-held captive bolt (HHCB) device loaded. The stun operator proceeded to load the HHCB device and stunned the animal again. The CSI observed the animal still breathing and proceeded to get the SPHV to look at the animal. By this time the stun operator had already stuck the animal for bleeding and the bovine bellowed loudly several times. The CSI asked the stun operator to stun the animal again. The HHCB device was reloaded again, and another stun attempt was applied. After this stun attempt, the animal stopped vocalizing and moving.

Prior to this incident, the establishment was operating under a Deferral verification plan for a Notice of Intended Enforcement issued for an egregious humane handling event on September 12, 2019, whereby an establishment employee was excessively prodding a cow with an electrical prodding device.

Summary

The decision to suspend the assignment of inspectors at your establishment is based on this

noncompliance with 9 CFR 313.15(a)(1). This is an inhumane noncompliance; whereby an establishment employee needed multiple stunning attempts to render an animal unconscious. In addition, your establishment was not operating under a Robust Systematic Approach (RSA) during the time of the event.

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 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.

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

Mr. Paul Wolseley
Acting Executive Associate for Regulatory Operations
USDA/FSIS/OFO
Room 3159 South Building
Washington, D.C. 20250
Tel: 207-708-9506
Paul.Wolseley@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,

**DAWN
SPROULS**

Digitally signed by
DAWN SPROULS
Date: 2019.12.11
11:26:41 -07'00'

Dawn Sprouls, DVM
Acting District Manager
FSIS Denver District Office
Dawn.Sprouls@usda.gov

cc: FO/QR
Reader File
Est. File
R. Reeder, DDM
S. Hoffman, DDM
J. Van Hook, DDM

(b) (6)



S. Baucher, RD/OIEA