



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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January 29, 2020

**SENT VIA FEDEX &
ELECTRONIC MAIL**

Mr. James Serlin, Owner
Mr. Benjamin Meyer, Owner
Mark's Meat, Inc., M9265
10290 S. Mulino Road
Canby, OR 97013
james@revelmeatco.com
ben@revelmeatco.com

NOTICE OF SUSPENSION (NOS)

Dr. Mr. Serlin and Mr. Meyer,

This letter confirms the verbal notification provided to your establishment, Mark's Meat, Inc. Establishment M9265, located in Canby, OR, on Wednesday, January 29, 2020, 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. Dr. Jessica VanHook, Deputy District Manager, 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 Wednesday, January 29, 20, the FSIS Consumer Safety Inspector (CSI) and Enforcement Investigations Analysis Officer (EIAO) documented in a Memorandum of Information (MOI) the following event at Est. M9265:

"EIAO was on site to conduct a follow up visit for non-compliances issued during a food safety assessment conducted in December 2019. On this date, accompanied by the CSI, they observed the establishment perform the stunning procedure on a landrace type market hog around 0720 hours. The stun box is in the same room as the slaughter processing floor allowing full visibility of inspection personnel of all stunning procedures. On this date the EIAO and CSI were standing roughly 5ft away from the stun box. The first pig of the day was loaded into the stun box and the designated establishment employee applied the first stun attempt using the hand-held captive bolt (HHCB) device. The pig remained conscious, as it was standing, looking around with eyes tracking and vocalizing (repeated, ongoing loud squealing). The establishment employee immediately applied a second stun attempt using a back-up loaded HHCB device which was readily available to the stun operator. Following the second stun attempt, the pig become ventrally recumbent in the stun box, but remained conscious with rhythmic breathing and continued to squeal. The stun box obscured the eyes of the pig from view once the pig became recumbent in the stun box. At this time the establishment employee applied a third stun attempt using a larger HHCB device, which was readily available to the stun operator and rendered the pig immediately and effectively unconscious. At this time the CSI approached establishment management who was also observing the stunning procedures, to notify him of the egregious incident and verbally notified him to stop operations until further notice. Establishment management were already implementing humane handling procedures and applied an establishment reject tag to the stun box in response to the incident. Denver District Office was contact through supervisory channels and the CSI applied US Reject Tag No. A1281816 to the stun box. The EIAO continued to observe slaughter operations, specifically the sanitary dressing of the market hog and splitting the carcass and skull. The split skull showed three penetrating stun attempts. The SPHV also verified three penetrating stun attempts of the dressed skull."

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.

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
Enforcement and Litigation Division
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
Stop Code 3753, PP III, Cubicle 9-235A
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,

JESSICA

VANHOOK

Digitally signed by
JESSICA VANHOOK
Date: 2020.01.29
13:51:38 -07'00'

for

Ms. Valerie Clay

District Manager

FSIS Denver District Office

Valerie.Clay@usda.gov

cc: FO/QR

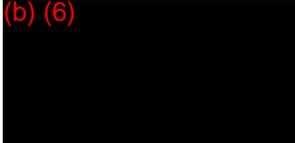
Est. File

J. VanHook, DDM

R. Reeder, DDM

S. Hoffman, DDM

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S. Baucher, RD/OIEA

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