



July 2, 2020

Food Safety and
Inspection Service

Alameda District
800 Buchanan St.
Albany, CA 94710

Phone: (510) 769-5712
Fax: (844) 622-0081

Mr. Ping Lau, President
Clausen Meat Company, Inc.
Establishment M325
PO Box 1826
Turlock, CA 95381

**CERTIFIED RETURN
RECEIPT REQUESTED**

E-mail: ping0900@yahoo.com

NOTICE OF SUSPENSION

Dear Mr. Lau:

This letter confirms the verbal notification provided to your establishment on July 2, 2020, by the Food and Safety Inspection Service (FSIS), Alameda District of the suspension of the assignment of inspectors at your establishment and the withholding of the marks of inspection for the slaughter operations, in accordance with 21 U.S.C. 603 and Title 9 Code of Federal Regulations (CFR) Part 500.3 (b). This action was initiated due to your firm's failure to maintain or implement required controls to prevent the inhumane handling of livestock at your establishment and to appropriately handle animals in accordance with Title 9 CFR Part 313.2(a). This is in violation of 21 U.S.C. 603(b) of the Federal Meat Inspection Act, the Humane Methods of Slaughter Act of 1978, and the regulations promulgated thereunder.

Background/Authority:

The Federal Meat Inspection Act (FMIA) (21 USC 603 et seq.) provides for preventing the inhumane slaughtering of livestock that FSIS has the authority, as designated by the Secretary of the Department of Agriculture, to prescribe rules and regulations describing examine and inspect the method by which cattle, sheep, swine, goats, horses, mules or other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under the Act. FSIS may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughter establishment if FSIS finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handle in connection with slaughter at such establishment by any method not in accordance with sections 1901 to 1906 of USC Title 7 until the establishment furnishes assurances satisfactory to FSIS that all slaughtering and handling in connection with the slaughter of livestock shall be in accordance with such a method.

Under the authorities of the Act, FSIS has prescribed rules and regulations required for the humane slaughtering of livestock, as contained in Regulations 9 CFR Part 313, and the Humane Methods of Slaughter Act of 1978. 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.

Findings and Basis for Action:

On July 2, 2020, at approximately 0433 hours, the FSIS Consumer Safety Inspector (CSI) was observing the unloading of roasters from a 40-foot trailer. The CSI observed the trailer driver in the middle of the trailer, dragging one roaster by the ear across the trailer floor for approximately 15 feet, and then halfway down the ramp, which was approximately 8 feet in length. Upon observing the roaster being dragged, the CSI told the driver, “*No, not allowed.*” The driver responded, “*It isn’t?*” and then proceeded to grab another roaster by the ear and drag the animal along the trailer floor and halfway down the ramp.

The CSI notified (b) (6), and requested he call Mr. Jeff Morgado, Plant Manager, to inform him of the situation. While the employee contacted Mr. Morgado, the CSI observed that the driver continued to unload four additional roasters in the same manner. (b) (6) informed the CSI that when the driver arrived prior to the CSI’s arrival, he also observed the driver pulling the roasters by the ears and that he had also told the driver that pulling the roasters by the ears is not allowed. Despite the multiple warnings provided by the Plant Employee and CSI, the driver continued to pull the roasters by the ears to unload them.

The CSI notified the Frontline Supervisor (FLS) of her findings of multiple roasters being dragged by their ear during unloading. The FLS notified Mr. Jeff Morgado, Plant Manager, of these findings and the CSI took regulatory control action and applied U.S. Rejected Tag# B35098879 to the CO₂ chamber to prevent slaughter operations from continuing.

This is an egregious act of inhumane handling of animals in connection with slaughter, as the Truck Driver dragged multiple roasters off the trailer at your establishment. Your establishment does not currently have a robust Systematic Approach to the humane handling of livestock.

This is a violation of Title 9 CFR 313.2(a), which states, “*Driving of livestock from the unloading ramps to the holding pens and from the holding pens to the stunning area shall be done with a minimum of excitement and discomfort to the animals. Livestock shall not be forced to move faster than a normal walking speed.*” This is considered an egregious act per Humane Handling and Slaughter of Livestock regulations and Agency guidance that define, in part, egregious inhumane treatment of livestock as any act or condition that results in severe harm to animals.

The Federal Meat Inspection Act 21 U.S.C. Section 603(b) provides legal authority to suspend operations at any establishment where animals have not been handled in a humane manner as described in 7 U.S.C. 1901 where it states, “*It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.*” In accordance with Title 9 CFR 500.3(b), the suspension of inspection at an establishment without prior notification for

inhumane handling practices is warranted, as specified in Title 9 CFR 313 and under authority of 21 U.S.C. 621.

These findings demonstrate your failure to adhere to the regulatory requirements of the humane handling and slaughter of livestock, as required by the Federal Meat Inspection Act, 21 U.S.C. 603 (b) and the Humane Methods of Slaughter Act, and the regulations promulgated thereunder.

Based on the above findings and your failures to meet statutory and regulatory requirements for the humane handling of livestock, and in accordance with Title 9 CFR 500.3(b), FSIS is suspending the assignment of inspectors and withholding the marks of inspection for the slaughter operations at your establishment. This letter confirms the verbal notification of the suspension of the assignment of inspectors for the slaughter operations that FSIS provided to your establishment on July 2, 2020.

The suspension of the assignment of inspectors will remain in effect until you can proffer to the FSIS, Alameda District Office, adequate written assurances including corrective actions and preventative measures to assure that livestock at your establishment are handled and slaughtered humanely, in accordance with the FMIA, The Humane Methods of Slaughter Act, and regulations promulgated thereunder.

In addition, failure to respond to this Notice of Suspension and failure to assure that animals at your establishment are handled and slaughtered humanely in accordance with the statutory and regulatory requirements may result in further administrative enforcement actions.

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

U.S. Department of Agriculture
Food Safety and Inspection Service
Attention: Paul Wolseley /Executive Associate for Regulatory Operations
1400 Independence Avenue, SW
Room 344-E, Whitten Building
Washington, DC 20250

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

Scott C. Safian, Director
Enforcement and Litigation Division
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
United States Department of Agriculture
Stop Code 3753, PP3, Cubicle 9-235A
1400 Independence Avenue, SW
Washington, DC 20250

Voice: (202) 418-8872
Fax: (202) 245-5097

If you have any questions, please call the Alameda District Office at (510) 769-5712.

Sincerely,

*/s/ Sheryl Beckett, DVM
DDM (for)*

Yudhbir Sharma, DVM
District Manager

cc:

A. Amin, DDM
S. Beckett, DDM
V. Felix, DDM
F. Gillis, DDM

(b) (6)

A large black rectangular redaction box covers the names and titles of several individuals listed in the cc field. The text "(b) (6)" is written in red at the top left corner of the redaction.

P. Wolseley, EARO
S. Baucher, IEA, RD
USDA IIC, Est. M325
FO/QR