



May 15, 2020

USA Beef Packing, LLC
Establishment 51303
3845 Cedarvale Rd.
Roswell, NM 88203

HAND DELIVERED
CERTIFIED - RETURN
RECEIPT REQUESTED
7019 2970 0000 2928 2037

Attention: Mr. Jose Alberto Madrid, 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 USA Beef Packing, LLC, Establishment 51303, Roswell, New Mexico.

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 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 Title 9 of the Code of Federal Regulation (CFR), 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 Thursday May 15, 2020, at approximately 2:15 p.m., while on final inspection rail, (b) (6), heard a cow vocalizing. (b) (6) went to the knock box to investigate and found a cow at bleeding vocalizing and trying to right itself. As (b) (6) arrived, a plant employee was re-knocking the animal; rendering it unconscious. (b) (6) told (b) (6) that he was taking regulatory action by placing USDA Reject tag #B42078168 on the knock box. Mr. Daniel Sabori, Plant Manager, was notified. (b) (6) and plant management then watched the video of the knock box and bleed pit. At 2:09 p.m. (video time stamp) the knocker knocked the cow, checked for palpebral reflex, and found none. No movement of the cow was seen while hoisting it onto the rail at approximately 2:10 p.m. At 2:13 p.m. the video showed the cow trying to right itself. The Establishment has a Robust Systematic Approach to humane handling program.

This egregious act does not meet the regulatory requirements of 9 CFR 313.15(a)(3) which states, *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.* Further, actions taken clearly showed that your establishment failed to handle and/or slaughter animals humanely, as required in the HMLSA 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...*

Historically, you have consistently met humane handling regulatory requirements, and you have demonstrated the robustness of your written program by effectively and consistently implementing all aspects. Therefore, it is the decision of the Dallas District Office to issue a Notice of Intended Enforcement (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 an effective, written corrective and preventive measure Action Plan 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.

USA Beef Packing, LLC
May 15, 2020

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If you have any questions regarding this matter please contact (b) (6)
(b) (6), or Dr. Dragoi Samuel, Deputy District Manager,
at 214-767-1256.

Sincerely,

JENNIFER
BEASLEY
MCKEAN

Digitally signed by JENNIFER
BEASLEY MCKEAN
DN: c=US, o=U.S. Government,
ou=Department of Agriculture,
0.9.2342.19200300.100.1.1=120
01000063383, cn=JENNIFER
BEASLEY MCKEAN

Jennifer Beasley-McKean, DVM
District Manager

cc:

(b) (6)
Inspector in Charge, Establishment 51303, Roswell, NM

USA Beef Packing, LLC
May 15, 2020

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I received a copy of this Notice of Intended Enforcement dated May 15, 2020, on

Date

Responsible Plant Official

Signature of FSIS Witness