



United States Department of Agriculture

Food Safety and  
Inspection Service

Office of Field  
Operations  
Denver District Office

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September 12, 2019

**SENT VIA FEDEX &  
ELECTRONIC MAIL**

(b) (6)

Owyhee Meats, Est. M454  
3408 Industrial Road  
Homedale, ID 83628  
owyhee.meat.co.10@gmail.com

**Subject: NOTICE OF INTENDED ENFORCEMENT**

(b) (6)

This letter confirms the verbal notification to you by Dr. Jessica VanHook, Deputy District Manager on September 12, 2019, with the intent of the Food Safety and Inspection Service (FSIS) 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 Owyhee Meat Company, Establishment 454, Homedale, Idaho.

**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: *On September 11, 2019 at approximately 3:15 pm, (b) (6) (b) (6) while entering the slaughter floor at Est. 454, heard a cow repeatedly vocalizing. She immediately went to the chute leading to the stunning area and observed a plant employee repeatedly prodding a black beef cow that was balking at the entrance to the stunning area. The black beef cow continued to vocalize excessively. (b) (6) instructed the employee to immediately stop prodding the cow. (b) (6) arrived from the slaughter floor the cattle chute area and clearly heard the repeated vocalizations until (b) (6) intervened in the situation. (b) (6) spoke with (b) (6) who oversees the driving cattle from the pens to the stunning area, who indicated the employee was not authorized to use the prod. The cow was backed out of the chute and returned to the pens. At 3:40PM (b) (6) placed US Rejected tag #B30665850 on the stunning area.*

This egregious act does not meet the regulatory requirements of 9 CFR 313 .2(b) which states, among other things, that electric prods, canvas slappers, or other implements employed to drive animals shall be used as little as possible in order to minimize excitement and injury. Any use of such implements which, in the opinion of the inspector, is excessive, is prohibited.

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 Denver 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.

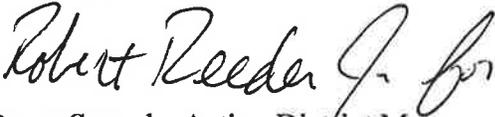
Your written response is expected to contain two items: (1) your findings concerning the reevaluation of the Humane Handling Procedures designed and implemented by your establishment, and (2) your Action Plan, which must include all corrective/preventive

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.

If you have any questions regarding this matter please contact Dr. Jessica VanHook, Deputy District Manager, at 303-236-9804.

Sincerely,



Dawn Sprouls, Acting District Manager

cc: Est. File  
QER  
J. VanHook, DDM  
R. Reeder, DDM  
S. Hoffman, DDM

(b) (6)

