



United States
Department of
Agriculture

Food Safety and
Inspection Service

Washington, D. C.
20250

To: RICARDO DE LOS SANTOS
Sarah De Los Santos; [REDACTED] CSI

From: [REDACTED]

Date: 3/30/2012

Meeting Start Time: 10:00 AM

FSA:

Open NRs:

NRs Under Appeal:

Subject: Establishment Weekly Meeting

Meeting was held in the establishment front office 1017 -1042 hours MDT

Company Attendees: Mr. Rick De Los Santos, owner

Mrs. Sarah De Los Santos

Agency Attendees: Dr. [REDACTED] SPHV/ICC

Mr. [REDACTED] CSI

Sampling:

FSIS: Directed MT50 collected and submitted 3/27/12. LEARN reported acceptable 3/29/12 after operations.

Establishment: E. coli O157:H7 negative for beef trim sample 12/15/11. Ground product last sampled in 11/2011. During the meeting, SPHV [REDACTED] reported, on 3/29/12, SPHV [REDACTED] had observed intact product in the storage cooler labeled to be saved for an E. coli sample. Mr. De Los Santos reported this sample was for the quarterly test. SPHV [REDACTED] asked if the ground product produced today would also be sampled and Mr. De Los Santos reported it would be.

NR status: 1 new NR, 4 in verification, 5 closed. In total: 6 OPEN noncompliance records.

New

YJL4310035729N: Pre-op insanitary saw and grinder 3/29. OPEN. No written response yet provided. During the meeting, SPHV [REDACTED] reported this NR is linked with four others from the last ninety days, three of which are from processing monitoring. Many NRs issued for pre-operational noncompliance include a plant written response which notes employee retraining as corrective actions. Given the trend of noncompliance and discussion with FLS [REDACTED] employee retraining is not an effective corrective action and will be documented as ineffective corrective action noncompliance in the future. SPHV [REDACTED] informed Mr. Rick De Los Santos this is part of continued noncompliance will result in additional enforcement actions. SPHV [REDACTED] then discussed how corrective actions relate to employee retraining regarding another NR: YJL2012031322N.

AR0003055

Closed: Please note several NRs took extended time to verify given the reduced days of operation this month.

YJL4710033109N: SSOP records not completed by the next day of operations 3/8. CLOSED. Written response provided 3/26. Closed 3/29 after inspection reviewed of recent SSOP records.

YJL4913034807N: Raw intact critical limit deviation 3/7. CLOSED. Product released 3/9. Written response received 3/16 and closed 3/29 after inspection verification of twice per shift product temperature monitoring.

YJL4712025829N: No ground beef product temperature CCP taken on 2/28, 2/29. CLOSED. Ground product produced 2/28/12 released 3/9. Written response received 3/16 and verified for HACCP monitoring training efficacy. Closed 3/29/12 after review and observation ground beef records had been recorded. During the meeting, SPHV [REDACTED] advised Mr. Rick De Los Santos if the company wishes to record ground product monitoring CCPs on the same record as intact product, the company should be clear on which temperature recordings pertain to ground product. On 3/29/12, SPHV [REDACTED] was shown by Mr. Rick De Los Santos the intact HACCP record with the column heading including "boneless beef"; with Mr. De Los Santos pointing to the last recording for the day and stating that was the ground beef monitored value. During the meeting, SPHV [REDACTED] stated the company ground HACCP program indicates the ground product temperature will be recorded on a separate record which also serves as the ground product pre-shipment review and records must be maintained according to the company written programs. SPHV [REDACTED] explained for recall purposes, records need to be very clear on what monitoring records match which product. Mr. De Los Santos acknowledged by stating he should write whether the product is trim or ground with the recording. SPHV [REDACTED] confirmed and stated that is because the company record has boneless beef pre-printed on the record and the record keeping is not going to match what is in the written program.

YJL4616124628N: Processing hand saw hung on cooler door latch 12/28. CLOSED. Written response received 3/26. Mr. De Los Santos provided SPHV [REDACTED] with the NR with written appeal 12/29/11. SPHV [REDACTED] provided a written response on 1/4/12 denying the appeal. Mr. De Los Santos provided SPHV [REDACTED] a written acceptance of the noncompliance on 3/16 and SPHV [REDACTED] provided Mr. De Los Santos with the original noncompliance record 3/16 in order for the company to provide written response with corrective actions and further planned actions. Closed 3/29/12 after inspection observations of continued use of designated hook during inspected operations over the last week.

YJL4610031522N: Box of beef hearts stored on the floor of PR-1 3/22. CLOSED. Written response provided 3/23. Closed 3/29/12; no product observed stored on floors since 3/22.

Open and no written response yet provided:

YJL0216021924N: Humane handling slips and falls of 3 beef cows 2/24: OPEN. No written response yet provided. During the meeting Mr. Rick De Los Santos reported he had not received a written issuance. SPHV [REDACTED] stated that two copies are printed when they are issued and the USDA Office file has a printed copy. Mr. De Los Santos reported he could not find the document and begin to think the company was never given one. SPHV [REDACTED] reported she would reprint the document and provide the company with a written copy. Mrs. Sarah De Los Santos reported she had not observed a written copy of the noncompliance record either, and SPHV [REDACTED] stated the USDA Office has a copy and two copies are printed, and that another could easily be printed for the company.

Open and in verification:

YJL011113528N: Ice condensate on freezer curtains and floor 11/28: OPEN. A written response has been provided; however SPHV [REDACTED] has observed the continued presence of ice condensate on curtain flaps and freezer floor. As of the time of the meeting, SPHV [REDACTED] has observed significant ice condensate on the

curtains and floor around the access door, but noted no product to yet be directly affected. During the meeting, SPHV [REDACTED] reported on 3/27, condensate had fallen on SPHV [REDACTED] upon entering the freezer during review and observation inspection procedures. SPHV [REDACTED] reported she had advised the company in the last meeting condensate was beginning to fall from the curtains on to employees and their sanitation concerns product entering or exiting the freezer might also be affected. Mr. De Los Santos acknowledged by nodding.

YJL5510013305N: Cracks and gouges with meat particles and residue observed during pre-operational sanitation verification 1/5. OPEN. Written response provided 2/6 and will be left open to verify the table belt is repaired or replaced. Mr. De Los Santos had reported the belt will be replaced with the facility upgrades for equine operations. During previous meeting, Mr. De Los Santos reported the belt might be removed over the weekend and SPHV [REDACTED] reported the belt was still in place this week (Week 13). During this meeting, Mr. De Los Santos reported he was not sure what the company would be doing with the belt; maybe cutting it off, as they did not have any foreseeable processing operations.

YJL3909032601N: Rust on carcass wash walls 3/1. OPEN. Written response provided 3/26 and will remain open to verify re-training of slaughter pre-operational sanitation of monitoring is effective. Mr. De Los Santos stated that a day with slaughter operation would be needed to verify and SPHV [REDACTED] confirmed this as true.

YJL2012031322N: Meat particles on rolling table belt during pre-op inspection 3/22. OPEN. Written response provided 3/23 and will be left open to verify the verification of the monitoring for the next two procedure days. During the meeting, SPHV [REDACTED] read aloud the company written response to this NR: "QC was verbally disciplined after I was notified of noncompliance"; further planned actions, "QC will make this rolling table whether on top or bottom a top priority during pre-op. Table will be verified next 2 processing days by another QC to insure it is sanitary." SPHV [REDACTED] reported, the SSOP records and observations by SPHV [REDACTED] indicate that only one processing day since the date of written receipt, including today, has the QC from 3/22 has not been the verifier, and as such the NR will be left open. Additionally, SPHV [REDACTED] reported this noncompliance for pre-operational sanitation was cited one week from the last noncompliant, in which the same employees performed monitoring and verification. This repetitive noncompliance supports the company employee retraining measures are ineffective. Mr. De Los Santos acknowledged by nodding

Old Business:

1. Slaughter volume: SPHV [REDACTED] asked Mr. De Los Santos during the meeting if there was any news following the meeting with the partners on 3/28 regarding additional future inspection needs at the establishment. Mr. De Los Santos reported he did not have any news and the company would inform inspection on a week to week basis. SPHV [REDACTED] asked what the plan would be for next week and Mr. De Los Santos reported no slaughter Monday through Wednesday and that if a customer called, like [REDACTED] the company would not schedule slaughter until Friday to allow inspection to be alerted.

After discussing the items 1)-5) in New Business, SPHV [REDACTED] asked if Mr. De Los Santos could clarify the company operations plan for next week. SPHV [REDACTED] stated Mr. De Los Santos had reported no inspected slaughter Monday through Wednesday and SPHV [REDACTED] asked if there would be any inspected processing. Mr. De Los Santos report the company would be custom exempt processing Monday through Wednesday and after today would have finished any inspected processing. SPHV [REDACTED] advised Mr. De Los Santos there were two or three beef carcasses in the cooler with marks of inspection. Mr. De Los Santos reported those would be processed not for sale. SPHV [REDACTED] reported that as the company had inspected product in the cooler and the company pre-shipment review records were not yet complete, SPHV [REDACTED] would visit the facility on Monday. SPHV [REDACTED] asked at what time the facility would be opened on Monday and Mr. De Los Santos reported the company would be opened at 0800 hours Monday through Wednesday. SPHV [REDACTED] thanked Mr. De Los Santos for the provided the times and notice of operations.

2. NSOA: During the meeting, SPHV [REDACTED] asked Mr. De Los Santos to confirm the company verification plan has not been altered to reflect changes in ammunition choices and Mr. De Los Santos reported no changes had been made.

New Business:

1) During the meeting, SPHV [REDACTED] revisited the events which had just occurred before the meeting 3/30/12, in the pen area at approximately 1008 hours for documentation and discussion purposes.

At approximately 1008 hours, SPHV [REDACTED] and CSI [REDACTED] were in the pen area for the purposes of CSI [REDACTED] to make general observations of the facility at 07299 when Mr. Rick De Los Santos, Mr. Eddie De Los Santos [REDACTED] approached the unloading area. Mr. Rick De Los Santos asked inspection what they were doing. SPHV [REDACTED] explained she had asked CSI [REDACTED] to review the facility before sitting in on the weekly meeting to get an idea of the current status of the facility in order CSI [REDACTED] to have a better understanding of the topics discussed. Mr. Rick De Los Santos asked if those observations were for horse slaughter and SPHV [REDACTED] reported the observations were not for any purpose other than for CSI [REDACTED] to have for his personal use and the observations were on what the facility looks like today, at this moment. SPHV [REDACTED] reported to the company she had provided CSI [REDACTED] with a pad of paper and advised him to write down anything he wishes for his files and that SPHV [REDACTED] will not be asking to review observations made by CSI [REDACTED]. [REDACTED] had asked if the weekly meeting would be on beef slaughter and SPHV [REDACTED] replied the exit meeting would be about all inspection activities that occurred over the week, but not equine operations as the email from FLS [REDACTED] on 3/29/12 to Mr. Rick De Los Santos advised all questions or concerns on equine operations or a walkthrough should be made to FLS [REDACTED] or District Office.

Mr. Rick De Los Santos stated he wanted to be a part of whatever observations around the facility were happening. SPHV [REDACTED] asked Mr. De Los Santos to clarify if he meant all inspected verification and he reported he did. Mr. Rick De Los Santos stated he did not think inspection should be touring the premises where operations were not occurring without company employees present and open doors they should not. SPHV [REDACTED] asked what doors those would be because inspection personnel can and are to inspect all areas of official premises. Mr. Rick De Los Santos reported he did not mean doors, but just that the company should be present [REDACTED] raised the issue that CSI [REDACTED] is not assigned to 07299 and therefore should not be doing inspection. SPHV [REDACTED] explained that any USDA FSIS inspector at any USDA inspected facility can perform inspection of the official premises during duty hours. SPHV [REDACTED] provided the example that if Ms. Anna Gallegos visits 07299 than she too can perform inspection and make observations. CSI [REDACTED] explained that he can be detailed to this assignment and has in the past and is present today because his supervisor, SPHV [REDACTED] asked him to visit the plant and attend the weekly meeting. Mr. Rick De Los Santos reported that it seemed that in plant inspectors were the eyes and ears at the plant. SPHV [REDACTED] replied that in a way they are for agency supervisors. SPHV [REDACTED] reported that these issues would be discussed again during the weekly meeting for documentation purposes and that she would like CSI [REDACTED] to observe the processing areas before the weekly meeting. SPHV [REDACTED] asked Mr. Rick De Los Santos if the weekly exit meeting could be held after CSI [REDACTED] had the opportunity to observe the processing areas. Mr. Rick De Los Santos reported that would be acceptable.

During the meeting, SPHV [REDACTED] asked if Mr. Rick De Los Santos understood the principle of USDA Inspectors being able to inspect at any official establishment. Mr. Rick De Los Santos reported he did. CSI [REDACTED] informed Mr. Rick De Los Santos the company has the right to ask to see CSI [REDACTED]'s inspection badge once he arrives on premises. Mr. Rick De Los Santos reported he did not think CSI [REDACTED] should be able to drive in and begin digging in the bone pile. SPHV [REDACTED] explained that all official premises are subject to inspection and Mr. De Los Santos is welcome to ask any inspector the nature of their inspection and that if inspection were to review something off premises, they would inform the company first. SPHV [REDACTED] proposed the following to Mr. Rick De Los Santos in response to the company preference of establishment accompaniment of FSIS inspection verification: For inspection of areas of premises where company employees are not actively operating, SPHV [REDACTED] or CSI [REDACTED] will notify the company of the intended inspection. The company must be able to provide a person to accompany the inspector at the request; and the request cannot be delayed. SPHV [REDACTED] provided the example she may announce SPS verification and the company cannot reply they want to do it tomorrow. Mr. Rick De Los Santos reported he understood and he agreed with that approach.

Mrs. Sarah De Los Santos raised the issue, the company has reservations with CSI [REDACTED] making observations and performing inspection at this establishment because he is assigned to an establishment in which the owner was previously partnered with the owners of 07299. CSI [REDACTED] reported he does not discuss plant business between plants, just like he does not come to 07299 and discuss the operations of the other establishments he inspects. Mr. and Mrs. Rick and Sarah De Los Santos acknowledged this and Mrs. De Los Santos begin to cite specific names of previous inspection personnel who the company reported in the past have spread rumors. SPHV [REDACTED] asked Mrs. De Los Santos to avoid providing specific names as it was before SPHV [REDACTED] was here and the meeting notes are not going to document the parties mentioned. SPHV [REDACTED] reported she understood Mrs. De Los Santos wanting to raise concerns of past instances. Mrs. De Los Santos reported the other inspectors had spread rumors and the company had not felt at the time CSI [REDACTED] was involved and therefore his name was not mentioned when the company had reported this issue. CSI [REDACTED] replied he could not recall the specific events and repeated he does not discuss plant business between plants. SPHV [REDACTED] pointed out that she and FLS [REDACTED] are also assigned to the same plants as CSI [REDACTED] and therefore the company would also have reservations about SPHV [REDACTED]

██████ or FLS ██████ discussing business. Mrs. De Los Santos stated she was referencing the past incidence. SPHV ██████ stated she understood the company concern about rumors and inspection of official establishment often requires one inspector to visit several establishments. SPHV ██████ stated the topics of past instances were not going to be further discussed in the weekly meeting.

SPHV ██████ reiterated she had asked CSI ██████ to attend the weekly meeting today and review the plant for observations before the meeting. CSI ██████ stated he could be asked to cover this assignment. SPHV ██████ stated the observations of the facility were for CSI ██████ and that SPHV ██████ had advised CSI ██████ to maintain any notes for his use; SPHV ██████ would not be reading his observations or other notes. Mr. and Mrs. De Los Santos nodded.

2) On 3/26/12, SPHV ██████ and Mr. Eddie De Los Santos discussed sanitation issues regarding the storage and application of the combo liners to the central processing table documented in MOI YJL2714031026G, which was provided to the company on 3/26/12. During the meeting SPHV ██████ stated that Mr. Rick De Los Santos had informed SPHV ██████ he had read and understood the MOI. Mr. De Los Santos nodded.

3) During Intact red meat processing 3/29, SPHV ██████ observed ██████ take a product temperature reading, sanitize and pocket the company thermometer, and remain in the processing area. After about five minutes, SPHV ██████ asked Mr. ██████ if the reading was a CCP and he reported it was. SPHV ██████ advised ██████ if the company wishes to use temperature readings for recorded CCPs, the value must be recorded at the time of event. SPHV ██████ explained it was understandable to not have the record in the processing area and the temperature should be read, and then immediately written down on the records wherever they are located. Mr. ██████ reported he had taken a previous reading and this reading was another to ensure limits. SPHV ██████ stated Mr. ██████ could still record the temperature on the CCP record for today if he did so immediately, as SPHV ██████ had also observed the temperature reading and a previous reading had been taken. Mr. ██████ nodded and immediately left the processing area. During the weekly meeting, SPHV ██████ reported the above to Mr. Rick De Los Santos to inform him of the employee counseling which had occurred regarding HACCP recordkeeping. Mr. Rick De Los Santos acknowledged the report.

4) On 3/29/12, at approximately 1605, after duty hours, as SPHV ██████ was exiting the facility, Mr. Rick De Los Santos stopped SPHV ██████ and asked if Dr. ██████ had responded to the rebar as pen footing for horses. Mr. De Los Santos made it clear he was referring to the rebar and not the new mixed gravel/cement footing. SPHV ██████ reported to Mr. De Los Santos Dr. ██████ had commented the footing was a valid concern, then given the pause of silence, SPHV ██████ explained the rebar alignment exposing the panels of cement; slippage was a valid concern. Mr. De Los Santos then asked if Dr. ██████ was available and SPHV ██████ reported Dr. ██████ was on annual leave. Mr. De Los Santos asked if SPHV ██████ knew when Dr. ██████ would return from annual leave and SPHV ██████ reported she did not. SPHV ██████ asked Mr. De Los Santos if there was anything else to discuss and Mr. De Los Santos reported not for the time being. During the meeting, SPHV ██████ recanted the above and Mr. De Los Santos nodded.

5) SPHV ██████ asked if CSI ██████ had any business and CSI ██████ reported he had observed some spaces around the roll up loading door outside of small processing room to have some noticeable gaps and fly season is approaching. CSI ██████ reported that he had brought up this issue to the company in the past. Mr. Rick De Los Santos reported the company has doors for the exterior of the loading to help seal the gaps. CSI ██████ reported he recalled the doors and stated it would be best if the doors were in place anytime the loading door is not being used. Mr. De Los Santos Reported the company will use the exterior doors as needed and CSI ██████ stated he had thought the use of the doors were corrective actions. Mr. De Los Santos reported they were corrective actions from three years ago and this is a new day. CSI reported he was making the issue of fly or dust access into the facility known to the company.

6) SPHV ██████ stated that she wanted to remind Mr. De Los Santos the email sent by FLS ██████ to Mr. De Los Santos in the afternoon of 3/29/12 specifically advised the company to contact FLS ██████ or the District Office with any questions regarding the equine walkthrough. SPHV ██████ explained that this includes any questions pertaining to the observations made by FSIS during the previous walkthrough or future equine operations questions. SPHV ██████ stated these were the instructions in the email from FLS ██████ SPHV ██████ explained while she had addressed Mr. Rick De Los Santos's footing question yesterday, any future questions asked of SPHV ██████ would yield a response of, "You must contact FLS ██████ or the District Office." SPHV ██████ stated she was not trying to be difficult; only following instructions. Mr. De Los Santos reported he had informed DDM Gallegos of the directions to contact District Office and that Ms. Gallegos had reported she had not seen the email. SPHV ██████ reported DDM Gallegos had been in the field yesterday and Mr. De Los Santos reported he and Ms. Gallegos were going to speak today.

Mrs. De Los Santos held up a printed document and asked how the company was going to address all of the items in the document if they could not ask SPHV ██████ and Mr. De Los Santos informed Mrs. De Los

Santos the company would go through the District Office. Mrs. De Los Santos asked SPHV [redacted] who authored the document because there was no signature and SPHV [redacted] reported she did not know what the document was. Mrs. De los Santos reported it was in the email from FLS [redacted] SPHV [redacted] stated that if it was in the email from FLS [redacted] than FLS [redacted] had authored the document and the company would have to verify that with FLS [redacted]. Mrs. De Los Santos asked how some of the information in the document had been obtained and SPHV [redacted] reported the company would have to ask the author. SPHV [redacted] stated she did not author the document and per instructions from supervisors, neither SPHV [redacted] nor CSI [redacted] were going to discuss the contents. Mr. Rick De Los Santos asked which supervisors and SPHV [redacted] reported all of them. SPHV [redacted] reported the company is welcome and encouraged to contact FLS [redacted] and the District Office with all questions and concerns. CSI [redacted] reported that if his supervisor was not to discuss issues, than he would not be discussing those issues. Mrs. De Los Santos stated she wanted to know if FLS [redacted] authored the document, how then did FLS [redacted] know a soap dispenser had been added since the walkthrough. SPHV [redacted] stated that FLS [redacted] or any supervisor such as Dr. Nelson, Denver District Manager, can ask for in plant observations and incorporate those reported observations into an MOI. If Dr. Nelson asked CSI [redacted] for his observations, Dr. Nelson can include those reported observations in an MOI as they are reported by CSI [redacted]. SPHV [redacted] repeated that SPHV [redacted] is not going to ask CSI [redacted] about his observations; however, FLS [redacted] DDM Gallegos, or Dr. Nelson has every right to do so and then report those observations. Mrs. De Los Santos began discussing another point in the document and SPHV [redacted] repeated SPHV [redacted] is not going to discuss the contents of that document or any other topics pertaining to equine operations.

SPHV [redacted] asked if the company had any non-equine operations related business they wished to discuss and Mr. De Los Santos reported they did not. SPHV [redacted] checked the clock on her mobile phone and reported the meeting was officially ended at 1042 hours.

Plant Business: as discussed above

The meeting closed at 1042 hours MDT

Addendum: At the time of printed delivery of this MOI, SPHV [redacted] also provided the company with the USDA printed copy of NR# YJL0216021924N with the issuance signature and date of 2/24.

Copies to:

Establishment Copy

PHIS Copy

File Copy

Mr. [redacted] CSI

Ms. [redacted] FLS