

EXHIBIT 28

The request for this information is voluntary. It is needed to monitor defects found in this inspection system. It is used by FSIS to determine whether establishments are in compliance. 9 CFR 301 and 9 CFR 381. FORM APPROVED OMB No. 0583-0089. OMB DISCLOSURE STATEMENT: Public reporting burden for this collection of information is estimated to average 7 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIR/M, Room 404-W, Washington, DC 20250; and to the Office of Information and Regulatory Affairs, Office of Management and Budget.

US Department of Agriculture
FOOD SAFETY AND INSPECTION SERVICE
NONCOMPLIANCE RECORD

TYPE OF NONCOMPLIANCE

Food Safety Other Consumer Protection

1. DATE 10/09/2006	2. RECORD NO. 0013-2006-8243	3. ESTABLISHMENT NO. 15849 E/1
4. TO (Name and Title) [REDACTED]		5. PERSONNEL NOTIFIED [REDACTED]
6. RELEVANT REGULATION(S) 313.2		
7. SECTION/PAGE OF EST. PROCEDURE PLAN	HACCP	SSOP
		OTHER Humane Handling
8. ISP CODE 04C02	9. NONCOMPLIANCE CLASSIFICATION PRODUCT - Protocol [REDACTED] (b)(6), (b)(7)(c)	

10. DESCRIPTION OF NONCOMPLIANCE

At approximately 0745 after conducting the 06D01 procedure, [REDACTED] an animal health technician with APHIS, notified me about a horse that was down on the last truck to enter the establishment's premises. This horse was lying in lateral recumbency in the upper middle compartment of a pot bellied trailer. Other horses within the compartment were trampling the downed horse. FSIS Directive 6900.2 states that once a vehicle carrying livestock enters an official slaughter establishment's premises, the vehicle is considered to be part of that establishment's premises. The animals within that vehicle are to be handled in accordance with 9 CFR 313.2. I took regulatory control of the situation by placing the truck with the downed horse at the front of the line to be off loaded first in order to decrease the pain and suffering of the downed horse. FSIS Directive 6900.1 states that FSIS personnel are to monitor disabled livestock handling procedures carried out by establishment employees to ensure humane handling of disabled livestock from the time that livestock enter the premises of the official establishment until they are humanely slaughtered or disposed. Non-ambulatory disabled livestock are to be handled with a minimum of excitement, pain, injury, or discomfort. I notified Raul Milan, slaughter floor and processing floor supervisor, about the deficiency. The establishment instituted appropriate corrective action. Upon further investigation, I visibly saw two horses down in the middle upper compartment, not just one horse as originally thought. The other horses jammed into this compartment were trampling all over both of the downed horses

11. SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

[REDACTED SIGNATURE]

(b)(6), (b)(7)(c)

You are hereby advised of your right to appeal this decision as delineated by 306.5 and/or 381.35 of 9 CFR.

12. PLANT MANAGEMENT RESPONSE (Immediate action(s)):

A notice was sent to all buyers (seller to card) that more care needed to be taken selecting and loading horse for transport to Cavel. For this specific buyer a letter was sent restricting him to using only single deck trailers and sending only horses that can move, certainly, survive the trip.

13. PLANT MANAGEMENT RESPONSE (further planned action(s)):

otherwise he will be not allowed to be a buyer.

This document serves as written notification that your failure to comply with regulatory requirement(s) could result in additional regulatory or administrative action.

14. SIGNATURE OF PLANT MANAGEMENT

16. VERIFICATION BY INSPECTION PROGRAM EMPLOYEE

[REDACTED SIGNATURE]

15. DATE

10/10/06

17. DATE

10/10/06

FSIS Form 5400-4 (9/97), which may be used until exhausted (7/98)

DISTRIBUTION: Original & 1 Copy to Establishment, 1 Copy to Inspector
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