

Enforcement Actions for Establishment 07299 M
 Report Date: 04/17/12

Establishment Number	Establishment Name	AER ID	AER Date	AER Type	Report Number	NOIE Date	Deferral Date	Suspension Date	Absence Date	SCOP	HACCP	Basic For Action				Closure	Notes	
												SPS	INH	INT	Other	LOI	LOW	
07299 M	Valley Meat Company, LLC	7188	27/FEB/2012:00:00:00	S	15-12-5055			2/24/2012	2/29/2012				T					Inhumane handling incident resulting in a Notice of Suspension being issued
07299 M	Valley Meat Company, LLC	6157	09/NOV/2011:00:00:00	S	15-12-5022			11/8/2011	11/8/2011				T					Inhumane handling incident
07299 M	Pecos Valley Meat Co.	773	12/AN/2009:00:00:00	M	15-09-0039	1/12/2009		1/23/2009				T			F			Respective NIS and failure of firm to respond with adequate corrective actions.
07299 M	Pecos Valley Meat Co.	792	23/AN/2009:00:00:00	S	15-09-5028	1/12/2009		1/23/2009	2/20/2009	T		T			F			Failure of firm to adequately respond to NOIE
07299 M	Pecos Valley Meat Co.	2802	23/JUL/2010:00:00:00	S	15-10-5155			7/23/2010	7/26/2010						T			Failure to sample/test for Generic E. coli

TABLE OF ABBREVIATIONS

- AER: Administrative Enforcement Reporting
- NOIE: Notice of Intended Enforcement Action
- SSOP: Sanitation Standard Operating Procedure
- HACCP: Hazard Analysis Critical Control Point
- SPS: Sanitary Performance Standards
- INH: Inhumane Treatment/Slaughter
- INT: Intimidation/Assault
- LOI: Letter of Information
- LOW: Letter of Warning

Table 3: NR Citations History for 07299 M in District 15
 Address: 3845 Cedarvale Road, Roswell, NM 882039020. Date Range: 01/01/2006 - 04/17/2012

NR Number	DATE	Procedure Code	Result Code	Regulation	Status	Appeal	Description
0011-2006-6305	08/18/2006	04C02	1	313.1			On August 18, 2006 at approximately 1420 while performing ante-mortem inspection, I observed that a section (10 to 12 inches wide) of the grating on the cattle trailer was bent up 6 to 8 inches. This is a problem because the sharp protruding metal could cause injuries on cattle transported in the trailer. I placed a USDA Retain Tag (No. B38743541) on the rear door of the trailer. This is a violation of Regulation 313.1(a) which states "Livestock pens, driveways and ramps shall be maintained in good repair. They shall be free from sharp or protruding objects which may, in the opinion of the inspector, cause injury or pain to the animals." I notified [redacted] of the situation and that a non-compliance record would be issued. The trailer was repaired by the end of the work day. I verified the repair and removed the tag.
0013-2006-6305	09/06/2006	04C02	1	313.15			On September 6, 2006, at 0800 while exiting the back door of the plant to perform ante-mortem inspection, I observed a number of dead cows lying approximately 60 feet from the plant. I walked over to get a closer look and observed that one (EarTag 8881) was alive. The cow had been delivered to the plant the previous day, knocked and drug off the trailer. I immediately went to the front office and informed [redacted] that I was placing the plant under immediate suspension for inhumane handling as per Regulation 500.3 which states, "FSIS also may impose a suspension without providing the establishment prior notification because the establishment is handling or slaughtering animals inhumanely." I showed him the situation and he instructed an employee to kill the animal with a rifle. Rick De Los Santos, the plant manager arrived, and I informed him of the situation. He told me that the cow was on the plant premises and that he had shot the animal with a [redacted] knocker and [redacted] the day before at approximately 1700 and thought the animal was dead. This is a violation of Regulation 313.15(a)(1) which states The [redacted] stunner shall be applied to the livestock in accordance with this section so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast or cut. I called Denver District Office and explained the situation to Dr. [redacted] DVMS and she instructed me to write a non-compliance record and to let the plant operate after being given satisfactory verbal preventive measures. The plant manager was notified that a non-compliance record would be issued.
0017-2006-6305	09/18/2006	04C02	1	313.2			On September 18, 2006 at approximately 0745, I observed some live cows penned in a corral to the east of the evaporation pond. They were hauled there the previous week and held for slaughter on September 19, 2006. I observed that there was no water in the water tank and no feed available to the pen containing approximately 15 live cows. There were also 5 dead cows located in the corral. I informed [redacted] of the situation and he instructed a company employee to turn on the water and get the cows some hay [redacted] informed me that a float would be installed in the tank so water would be available continuously. This is a violation of Regulation 313.2(e) which states "Animals shall have access to water in all holding pens and if held longer than 24 hours, access to feed. There shall be sufficient room in the holding pen for animals held overnight to lie down." Plant management was informed that a non-compliance record would be issued.

Table 3: NR Citations History for 07299 M in District 15
 Address: 3845 Cedarvale Road, Roswell, NM 882039020. Date Range: 01/01/2006 - 04/17/2012

NR Number	DATE	Procedure Code	Result Code	Regulations	Status	Appeal	Description
0030-2007-9414	04/20/2007	OAC02	1	313.2, 313.15			At 0820 hours, while observing knocking effectiveness for an OAC02, I found an animal was improperly knocked and requested the animal be re-stunned before proceeding. I also felt that the [redacted] was being used excessively in the pens and alley way. The employee was a new hire and has not been properly trained, since the plant is so short handed. I notified Ricardo DE Los Santos of the problem and he immediately replaced the employee with on that was well trained. No further problems occurred. Inhumane handling cannot be allowed to occur. I found no recent NR's relating to this incident.
0006-2008-6305	02/25/2008	OAC02	1	313.2			On Monday, February 25, 2008, at 0800 hours, I, Dr. [redacted] acting IIC, was performing PBIS procedure OAC02, verifying compliance with humane handling regulatory requirements. As I approached the holding pen located just to the east of the unloading ramp, I observed a pen of eight calves. I noticed there was no water available, in any form or container, for the calves. I attached US Reject Tag number B39185490 to the gate chain and instructed Mr. [redacted] to make water available to these calves. I observed him fill a low bucket with water and place in the pen for the calves. I then located Mr. [redacted] for Slaughter, and informed him verbally, and with this document, in writing I would issue a Non-compliance Record for failure to comply with 9 CFR 313.2 (e). I then removed US Reject Tag B39185490 from the gate, performed ante mortem inspection and allowed the calves to enter the slaughter facility. The time was 0912 hours. This topic was discussed in a Memorandum of Interview (MOI) dated 02/12/08 held between Dr. [redacted] Acting IIC at that time, Rick De los Santos, Plant Owner/Manager and [redacted]. In this MOI it stated that some sort of device was needed for the nursing calves to provide water in the holding pens, and that access to water at all times was a regulatory requirement.

Table 3: NR Citations History for 07299 M in District 15
 Address: 3845 Cedarvale Road, Roswell, NM 882039020. Date Range: 01/01/2006 - 04/17/2012

NR Number	DATE	Procedure Code	Result Code	Regulation	Status	Appeal	Description
0009-2008-6305	03/07/2008	04C02	1	313.2			<p>On Friday, March 07, 2008 at 1007 hours, I, Dr. [redacted] Acting IIC, was performing PBIS procedure 04C02, verifying compliance with humane handling requirements in the cattle holding pens. I observed a pen of six Holstein steers, located in the southwest pen adjacent to the unloading ramp and a pen with one Holstein steer located in the northwest pen did not have access to water in any form or container. I immediately made contact with Mr. [redacted] for Slaughter, and indicated the deficiency and verbally and with this document, in writing, informed him a Noncompliance Record would be issued. I observed Mr. [redacted] combine the pens of steers and move a water barrel into position so the calves had access to water. I then asked Mr. [redacted] how he would prevent recurrence of this deficiency; he stated he would bolt water containers in each pen that did not have access to the large water troughs, to provide a container for water. He further stated this would be accomplished this weekend, i.e. before 03/10/2008. This noncompliance links directly with Noncompliance Record number 0006-2008-6305 which was issued for failure to provide access to water on 02/25/2008. The further planned actions provided by the plant included the pen employee will fill all water troughs before leaving at the end of each day. Troughs will be kept full during the day to insure livestock has access to water. These preventative measures either were not implemented or were ineffective in preventing recurrence of this noncompliance. The regulatory requirement for access to water at all times was discussed in a Memorandum of Interview dated 02/12/2008 as well as Weekly Meeting Notes dated 02/29/2008. This document serves as written notification that your failure to comply with regulatory requirement(s) could result in additional regulatory or administrative action. You are hereby advised of your right to appeal this decision as delineated by 306.5 and/or 381.35 of 9 CFR.</p>

Table 3: NR Citations History for 07299 M in District 15
Address: 3845 Cedarvale Road, Roswell, NM 882039020. Date Range: 01/01/2006 - 04/17/2012

NR Number	DATE	Procedure Code	Result Code	Regulations	Status	Appeal	Description
0012-2008-6305	04/24/2008	04C02	1	313.2			<p>Category III Water and Feed Availability On Thursday, April 24, 2008 at approximately 0805 hours, I, Dr. [redacted] Acting IIC, was performing PBIS procedure code 04C02, verifying compliance with humane handling requirements of livestock in holding pens. I observed four market hogs in the southwest pen, located next to the unloading ramp, with a dry, overturned water trough with no other access to water in that pen. I immediately notified Mr. [redacted] for Slaughter and verbally and with this document in writing. Informed him a non-compliance record would be issued. I observed Mr. [redacted] clean, fill and attach the trough to the fence, the time was 0809 hours. This non-compliance links directly with NR 0009-2008-6305 dated 03/07/2008 for failure to provide water access to livestock in holding pens. The preventative measures provided by the plant for NR 0009-2008-6305 include "verbal discipline of the pen employee and providing water troughs for each pen as well as initiating a humane handling program to go into effect by 3-19-08. The program will be done daily with verification done by trained humane handling employee to ensure livestock are fed and watered as required by the regs". A review of the establishment's humane handling documentation revealed the latest entry was April 6, 2008 for monitoring the unloading of livestock. The regulatory requirement for water access in the holding pens was discussed between FSIS personnel and plant management during the Humane Handling Audit conducted on 03/05/2008 in regards to FSIS Notice 16-08, documented in Memorandum of Interview (MOI) as well as MOI dated 02/12/2008 and Weekly Meeting Notes dated 02/29/08. The verbal preventative measures proffered by Mr. Rick De Los Santos, Owner, in response to the current non-compliance were to designate a specific pen, pen 1 located next to the unloading ramp, for holding swine and attaching a water trough in such a way the pigs will not be able to overturn it by permanently attaching to fence. Previous measures to prevent recurrence were either not implemented or were ineffective in preventing further non-compliance. This document serves as written notification that your failure to comply with regulatory requirement(s) could result in additional regulatory or administrative action. You are hereby advised of your right to appeal this decision as delineated by 306.5 and/or 381.35 of 9 CFR.</p>

Table 3: NR Citations History for 07299 M in District 15
 Address: 3845 Cedarvale Road, Roswell, NM 882039020. Date Range: 01/01/2006 - 04/17/2012

NR Number	DATE	Procedure Code	Result Code	Regulations	Status	Appeal	Description
0028-2010-1782 1	11/22/2010	04C02	1	416.2(c), 313.15			<p>At approximately 8:00 hours, while performing veterinary antemortem assessment and knocking observation of a non-ambulatory disabled cow in the establishment's holding pen, SPHV [redacted] witnessed the following Human Handling non-compliance. The employee placed the [redacted] against the cow's forehead and discharged. The mechanism's [redacted] remained lodged in the cow's skull following discharge, leaving the entire apparatus adhered to the cow. The employee was unable to manually extract the [redacted] by pulling on the gun, or using a mechanical tool (pliers) to retract the [redacted]. The cow was not rendered unconscious with the discharge. This is in non-compliance with 9 CFR 313.15 (a)(1) and (3) requiring the [redacted] to provide immediate and complete unconsciousness with minimal excitement and discomfort to the animal. The employee ran into the establishment to retrieve a firearm, but returned without it stating there were no bullets available. A time period of approximately 3 minutes had elapsed. The employee, joined by a second employee, continued to attempt to remove the [redacted] from the cow's forehead by manual extraction until Mr. Rick De Los Santos appeared in the holding pen with the [redacted]. Mr. De Los Santos fired three (3) shots into the cow's skull from behind, just proximal to the foramen magnum area. The first bullet appeared to render the cow unconscious. SPHV [redacted] remained onsite to witness denaturing, during which time a third employee was able to extract the [redacted]. Before the USDA Reject Tag "B38742684" could be placed around the [redacted], the four cows previously passed on antemortem inspection had been knocked for slaughter. SPHV [redacted] orally notified Mr. De Los Santos the Reject Tag numbered above had been applied to the [redacted] and non-compliance would be issued. A search for previous non-compliance records for the same cause generated zero records for the last 90 days.</p>

Table 3: NR Citations History for 07299 M in District 15
 Address: 3845 Cedarvale Road, Roswell, NM 882039020. Date Range: 01/01/2006 - 04/17/2012

NR Number	DATE	Procedure Code	Result Code	Regulation	Status	Appeal	Description
0033-2009-1465 6	11/22/2010	04C02	1	416.2(c), 313.15			<p>On 10/09/2009 at approximately 1230 hours I, CSI [redacted] performed an 06D01 nonscheduled procedure and verified lighting throughout the establishment kill floor was sufficient to process product without the possibility of creation of an insanitary condition. Upon observation of the beef tongue and cheek meat harvesting table located on the south wall adjacent to the kill floor entrance I found that the lighting intensity was not a minimum of 50 candle power as required by 9 CFR 317 (m) (2) at all inspection stations. This station is considered an inspection station due to monitoring and verification of CCP-1 and the [redacted] at CCP-2 is performed at this point in the slaughter process. I proceeded to the USDA office and retrieved the light meter and returned to the tongue and cheek meat harvesting table and performed a measurement of the light intensity and found that in all areas on the surface of the table there was only thirty (30) candle power. I proceeded to the plant managers office, Mr. Ricardo De Los Santos, and notified him of the noncompliance. Mr. De Los Santos accompanied me to the tongue and cheek meat harvesting table on the kill floor and directly observed the light intensity meter readings. Mr. De Los Santos stated that he would install a new light above the table and ensure that 50 candle power light intensity or greater is available at the inspection site. I advised Mr. De Los Santos that light intensity at this site was discussed in the last weekly meeting held on 10/02/2009, and at this meeting you assured that lighting would be provided if necessary. There was no regulatory control action taken as there was no evidence of direct product contamination however a corrective action must be accomplished to properly monitor and verify critical limits and ensure that there is no product contamination or insanitary conditions created. A search was conducted revealing no same cause NR's issued in the past 90 days and NR is not linked.</p>
VI0417101825 N-1	10/25/2011	04C02		313.2	C	No	<p>On 10/25/11, at approximately 1540 hours MST, following the conclusion of slaughter activities, while verifying the denaturing of a antemortem condemned animal and performing routine humane handling of livestock water and feed accessibility (HAT Category III), SPHV [redacted] observed the following noncompliance. SPHV [redacted] observed one, single, dairy cow to be held in a rectangular pen, approximately ten by twenty feet, with no source of available water provided. SPHV [redacted] verbally notified the employees outside and water was provided in a black plastic round tub immediately. SPHV [redacted] observed the cow to be standing, in good condition for a dairy cull animal and not outwardly dehydrated. Upon receipt of the water, the cow did not appear overly thirsty, just curious. SPHV [redacted] observed the remaining animals (cattle) held in various other pens to all have a source of water available. SPHV [redacted] verbally notified Mr. Rick De Los Santos of the noncompliance immediately upon entering the facility. Mr. De Los Santos reported the cow was one of two which had arrived in the late afternoon for slaughter (the other was slaughtered). As slaughter was completed for the day and the employees immediately provided available water, no additional regulatory control action was taken. The above represents noncompliance with 9 CFR 313.2(e) requiring all animals in holding pens to have access to water. A search for noncompliance records issued within the last ninety days revealed none.</p>

Table 3: NR Citations History for 07299 M in District 15
 Address: 3845 Cedarvale Road, Roswell, NM 882039020. Date Range: 01/01/2006 - 04/17/2012

NR Number	DATE	Procedure Code	Result Code	Regulation	Status	Appeal	Description
VI0614111130 N-1	11/30/2011	04C02		313.1, 313.2	C	No	<p>On 11/30/11, at approximately 1015 hours MST, the following noncompliance was observed by Intermittent Inspector [redacted] and verified by SPHV [redacted] at approximately 1018 hours. At approximately 1015 MST, Intermittent Inspector [redacted] reported to SPHV [redacted] that she had observed an adult dairy cow being held in the side chute on the cement ramp to have a rear leg caught on the lowest rung of the metal pipping chute side. Intermittent [redacted] explained to SPHV [redacted] the cow was being held there because the [redacted] usually used was not working and the company was obtaining the correct knocking [redacted] (no attempts were made to use the [redacted]). This animal had been lead into the knocking chute at approximately 1000 hours and Inspector [redacted] was conducting a visual antemortem assessment of the cow given the amount of time lapsed since entry into the chute. SPHV [redacted] informed Intermittent [redacted] to tag the knocking area while SPHV [redacted] investigated the cow in the side chute. Intermittent [redacted] placed USDA Reject Tag#B40248214 in the knocking area immediately after the last cow which had been knocked was shackled and hoisted. At approximately 1018 hours MST, SPHV [redacted] observed one adult dairy cow being held in the side chute along the east wall of the building, on the cement ramp. The cow was facing south toward the kill floor entrance, was approximately half way up the ramp, and had her left rear hoof caught on the lower level of the two tiered metal pipping side of the chute (pipping abouts the exterior wall of the facility). SPHV [redacted] did not observe the animal to be in distress or vocalizing, only in discomfort as she was unable to remove her hoof from the pipping tier, which was approximately eighteen to twenty-four inches off the ground, after repeated attempts. As SPHV [redacted] was returning into the facility via the front entrance at approximately 1020 MST, Intermittent [redacted] and Mr. Rick De Los Santos exited the facility through the kill floor and released the cow. Mr. De Los Santos and Intermittent [redacted] met SPHV [redacted] in the USDA office and Mr. De Los Santos verbally reported the cow had been able to walk forward, dislodging her hoof, once the chute door was opened; Intermittent [redacted] verified this report. The above represents noncompliance with 9 CFR 313.1(a) requiring livestock pens, driveways and ramps to be maintained in good repair to prevent injury or pain to animals and that any unnecessary openings where heads, feet, or legs of an animal could be injured shall be repaired and 9 CFR 313.2 (a) requiring driving of livestock from holding pens to stunning area shall be done with minimum excitement and discomfort (HATS Category V). As Mr. De Los Santos immediately enabled the cow to dislodge her hoof and exit the shoot, and the noncompliance was determined as not egregious, no further enforcement actions are required. A search for noncompliance records issued for the same cause in the last ninety days revealed none.</p>

Table 3: NR Citations History for 07299 M in District 15
Address: 3845 Cedarvale Road, Roswell, NM 882039020. Date Range: 01/01/2006 - 04/17/2012

NR Number	DATE	Procedure Code	Result Code	Regulation s	Status	Appeal	Description
Y110216021924 N-1	02/24/2012	04C02		313.1, 313.2	O	No	<p>On 2/24/12, at approximately 0810 Hours MST, while performing routine antemortem livestock inspection for antemortem handling, prod use, and slips and falls, SPHV [redacted] observed the following noncompliance. SPHV [redacted] observed a company employee climb over the rails to stand inside and on the rails of the most East pen with a cement floor, on the immediate south side of the loading chute to knocking. Inside the pen were three beef cows the employee was trying to move West into the pen with the wire floor so that the animals could then be moved back East into the loading chute up the ramp into the knocking chute. The employee was observed to be moving slowly and holding one yellow, electric prod. SPHV [redacted] observed the employee touch one cow with the prod (not with the electric) in the dorsal rump area. SPHV [redacted] observed that cow and the two others all try to move from the East pen with a cement floor to the wire floor pen through the open gates. As each cow moved to the different pen, she slipped on the wet cement and completely fell on the cement flooring, landing one her sternum and abdomen, then immediately stood and moved forward into the wire pen area. None of the cows were observed by SPHV [redacted] have sustained any injuries or lameness following their slips and falls. SPHV [redacted] noted the moisture on the cement in the pen was from the water tub and recent bovine excrement. SPHV [redacted] immediately informed Mr. [redacted] of the non-compliance. SPHV [redacted] explained to Mr. [redacted] a non-compliance record would be issued for this non-agregious event due the following circumstance: no other animals were in the East pen or would need to be moved through the pen for slaughter, the cows which had fallen were able to immediately stand and move forward, and the cows had not slipped and fallen as a result of being excessively moved by the company employee. Additionally, SPHV [redacted] explained to Mr. [redacted] a USDA reject tag would not be placed on the East pen so as not interfere with the construction activity for the facility upgrades, including new footing, which were ongoing in that area and advised Mr. [redacted] not to put any other animals in the East pen. Mr. [redacted] verbally agreed the company would move the remaining animals in such a manner that would not require the use of the East pen. The above represents noncompliance with 9 CFR 313.4(b) and 313.2 (a) (HATS Category VII) which require establishments to provide adequate footing in their livestock facilities to prevent slips and falls, causing discomfort to the livestock during movement to the knocking area, respectively. A search for noncompliance records issued for the same cause in the last ninety days revealed none.</p>