



United States
Department of
Agriculture

Food Safety
and Inspection
Service

Office of Field
Operations

Denver District Office
Denver Federal Center
Bldg 45
P.O. Box 25387
Denver, CO 80225-0387
Telephone: (303) 236-9800
Fax: (303) 236-9794

SENT VIA FEDEX

January 27, 2010

Mr. Rick De Los Santos, Owner
Pecos Valley Meats – Est. 7299 M
3845 Cedarvale Road
Roswell, NM 88023

LETTER OF WARNING

Dear Mr. De Los Santos:

On January 23, 2009, the Food Safety and Inspection Service (FSIS) provided you with a written “Notice of Suspension” (NOS) of the assignment of inspectors at your establishment, Pecos Valley Meats – Est. 7299 M, Roswell, New Mexico, in accordance with 9 CFR 500.4 (a), (b), (c), and (d) (Rules of Practice).

The suspension was based on the failure to adequately respond to the Notice of Intended Enforcement (NOIE) that was issued to Pecos Valley Meats, Est. 7299 M, Roswell, New Mexico, on January 12, 2009. The NOIE was based on your firm’s failure to comply with 9 CFR 417.2 (a) (1); 417.2 (b) (1); 417.2 (c); 417.5 (a) (1); 417.5 (a) (2); 417.2 (c) (4); 417.3 (a); 417.5 (a) (3); 310.25 (a) (2) (i); 310.25 (a) (2) (iii); 310.25 (a) (4); 310.22 (e) (1); 310.22 (e) (3); 310.22 (e) (4); 310.22 (f); 416.2 (a); 416.4 (d); 416.13 (b); 416.13 (c); 416.14; 416.15 (a); and 416.15 (b). Your firm responded to the NOIE via facsimiles sent to the Denver District Office on January 15 and January 22, 2009. Your firm responded in writing to the NOS via facsimiles sent to the Denver District Office on January 30, February 9, February 11, February 13, and on February 19, 2009. Your responses were reviewed and FSIS personnel determined the responses adequately addressed the concerns outlined in the letter of suspension. Based on this decision, FSIS held the Suspension in Abeyance on February 20, 2009, pending verification by FSIS inspection personnel that your establishment continued to effectively implement the proposed corrective actions and preventive measures.

Since that time, FSIS inspection personnel have continued to monitor operations which provided your establishment an opportunity to demonstrate how regulatory compliance has been achieved. Additionally, verification and monitoring activities conducted at your establishment by FSIS inspection personnel confirmed that your establishment has implemented and executed your action plan, as well as made the necessary revisions to the establishment’s SSOP and HACCP plan to meet the regulatory requirements of 9 CFR 416 and 417.

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Although the enforcement action at Pecos Valley Meats, Est. 7299 M, is no longer in effect with the issuance of this letter, FSIS regulations require establishments to take appropriate action when either plant management or FSIS personnel determines that the firm's written Sanitation Standard Operating Procedures (SSOPs) and Hazard Analysis Critical Control Point (HACCP) systems are inadequate.

On January 20, 2010, USDA FSIS personnel visited your facility to conduct the 120 day follow-up verification review. FSIS personnel discussed numerous issues that need to continue to be monitored by you and your firm. These issues are outlined below for your convenience.

FSIS personnel discussed your need to maintain your Plant Improvement Program (PIP) as stated in your response to the Notice of Suspension.

They also discussed 9 CFR 307.4(d)(1) Schedule of Operations, *"Each official establishment shall submit a work schedule to the area supervisor for approval. In consideration of whether the approval of an establishment work schedule shall be given, the area supervisor shall take into account the efficient and effective use of inspection personnel. The work schedule must specify daily clock hours of operation and lunch periods for all departments of the establishment requiring inspection."* 9 CFR 307.4(d)(2), *"Establishments shall maintain consistent work schedules. Any request by an establishment for a change in its work schedule involving an addition or elimination of shifts shall be submitted to the area supervisor at least 2 weeks in advance of the proposed change. Frequent requests for change shall not be approved: Provided, however, minor deviations from a daily operating schedule may be approved by the inspector in charge, if such request is received on the day preceding the day of change."*

They advised you that if FSIS sees a pattern of no operations at your facility, FSIS will detail FSIS personnel to areas where they are needed and at such time, if you have not informed FSIS in advance of your intent to operate, you will not be provided with Federal Inspection. If you choose to slaughter anyway, the product is not eligible for the marks of inspection. Additionally, any carcass that has not received a final rail inspection by 1600 hours is not eligible for the mark of inspection due to restrictions imposed by the agency. You are to provide notification to the in-plant inspection personnel no less than one day in advance if you will be slaughtering.

The FSIS team discussed the piles of dead cows, offal, and other waste from plant operations about 200 yards east of the plant. You described this area as a composting area, however we noted there are multiple piles ranging from approximately 40 feet in diameter and up to 8 feet in height. Further, FSIS personnel inquired about your plans to clean this up. You advised that you would have the pile of rotting dead animals removed and cleaned up in 45 days from 20 January 2010. You further advised that you needed to purchase a front end loader. DDM Gallegos informed you that if you gave her a timeline of 45 days, FSIS would be back within 45 days to verify that you complied. You assured FSIS that you would do so and that it was your intent to haul the waste to a facility in Farmington, New Mexico, for incineration.

FSIS also inquired about your two lagoons of which one contained red colored liquid (blood). They talked about how this would pose a severe pest hazard in the hot summer months. You informed them that EPA does check it annually. They advised you that FSIS will act if flies become a problem.

The Denver District Office received the 120-day verification follow-up review from the EIAO on January 21, 2010. After reviewing the document, there are still some items that FSIS needs to monitor and verify. Below is the list of those items. This list is not inclusive, but rather some of the ones that stand out. The Denver District Office expects a response for items requiring a response.

- 1) Enclosing of the ramp leading to the knocking box still needs addressing. **Please provide a date when this will be accomplished.**
- 2) Grounds-pens need to be washed down and deads need to be removed before the start of operations and throughout the day. The question remains as to whether a livestock hauler will be picking up these deads daily, or if you will be utilizing your dead compost area. **Please let us know if a livestock hauler will be picking up the deads or you will continue to utilize the compost. If you elect to utilize composting for organic waste, the composting area must be maintained sufficient that insanitary conditions such as odors and providing harborage for pests and rodents is precluded.**
- 3) You will be required to continue with your plant improvement program in regards to your repairs and maintenance that you utilize on a weekly basis to prevent insanitary conditions.
- 4) You will still need to monitor coolers for condensation and if fans are needed they will be reconditioned and reinstalled.
- 5) Assure that the carcass vacuum is removed from the actual process.
- 6) Carcass monitoring will continue for zero tolerance.
- 7) FSIS personnel will continue to review and observe recordkeeping components, establishment ongoing verification procedures verification procedures are performed as described and records meet requirements including procedure and result, date, time, and initials.
- 8) FSIS personnel will continue to verify that carcasses will be sprayed with lactic acid solution one side at a time. If calves are being slaughtered spraying will be done one calf at a time. Each side of the carcass will continue to be sprayed with lactic acid for at least one minute.
- 9) FSIS personnel will continue to verify the [REDACTED] sprayer is kept in a bucket of warm water to ensure the solution is maintained warm throughout the day. Also, a new batch of [REDACTED] will be mixed every morning and concentration will be checked by QC before using. Our understanding is that the solution is a mix of 2.91 ounces of [REDACTED] with 1 gallon of [REDACTED] and the concentration will be determined using [REDACTED].
- 10) Carcasses will continue to be swabbed for ongoing verification that process control, including sanitary dressing, is working as it should. Sampling frequency will be 1 out of every 300 carcasses or a minimum of once per week for Generic E. coli.
- 11) Carcass chilling (CCP 3) will continue to be monitored for 2% of carcasses slaughtered the previous day.
- 12) Thermometer calibrations will continue to be monitored.
- 13) FSIS will continue to verify the establishment employees are adhering to sanitary dressing procedures.
- 14) SRM procedures to include documentation will continue to be monitored.
- 15) Plant management will address all noncompliance records immediately with corrective actions.

As a federally inspected establishment, you are expected to comply with all regulatory requirements concerning the preparation, sale, handling and transportation of meat products capable of use as human food. The *Federal Meat Inspection Act* (FMIA) prescribes the legal requirements you are responsible for concerning this matter. The Act is available on-line at www.fsis.usda.gov.

FSIS personnel assigned to your establishment are available for discussion should you have any questions in regard to this or any other matter. You may also contact the Denver District Office at 303-236-9800.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron C. Nelson". To the right of the signature, the word "For:" is written in a similar hand.

Ron C. Nelson, DVM
District Manager
Denver District

cc: FO/QR
Reader file
Est. File
R. Reeder, DDM
A. Gallegos, DDM
S. Wagner, DDM
S. Symons, DDICS
[REDACTED] FLS
[REDACTED] Relief PHV/IIC
[REDACTED] CSI
M. Siller, RM/OPEER