



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
& FACSIMILE**

July 23, 2010

Mr. Ricardo De Los Santos, Owner
Pecos Valley Meat Company
Establishment 7299 M
3845 Cedarvale Road
Roswell, New Mexico 88203

NOTICE OF SUSPENSION

Dear Mr. De Los Santos:

This letter serves as official notification of suspension of the assignment of inspectors at your establishment, Pecos Valley Meats, Est. 7299 M, Roswell, New Mexico, in accordance with 9 CFR 500.4 (e) (Rules of Practice). You were verbally notified of the suspension by FSIS Dr. John Fowler, per the Denver District Office, on July 23, 2010. The suspension is based on the findings during a review of your establishment's Generic *E. coli* testing records.

As documented in a Memorandum of Record, dated July 22, 2010, by the FSIS Consumer Safety Inspector (CSI), your firm has failed to test for and record Generic *E. coli* test results as required by 9 CFR 310.25 (a)(2)(v)(A) and 310.25 (a)(4). Your firm has slaughtered dairy cows under federal inspection at least five weeks since June 1, 2010, when the Generic *E. coli* sampling was to have been started per the regulatory requirements of 310.25 (a)(2)(v)(A), yet no samples have been collected or tested.

This same noncompliance was documented on the Notice of Intended Enforcement (NOIE) that was issued to your firm on January 12, 2009. It was also documented on the Notice of Suspension (NOS) that was issued to your firm on January 23, 2009. In your response to the NOS sent via facsimile to the Denver District Office on February 9, 2009, your firm stated that "Testing will be done according to USDA regulations, one out of 300 head or minimum of one per week."

You must submit the corrective actions and preventive measures to the Denver District Office to reinstate the assignment of FSIS inspectors at Est. 7299 M. Please provide comprehensive written documentation describing all of the corrective actions to be taken to prevent the preparation of misbranded or adulterated meat products. The corrective and preventive actions should include the written procedures for the process and how you will ensure compliance with

the regulations. The Denver District Office will take your proposals under consideration and will evaluate them for adequacy.

You may appeal this action by contacting:

Dr. Armia Tawadrous
Executive Associate for Regulatory Operations
USDA/FSIS/OFO
3157 South Agriculture Building
14th and Independence Avenue, S.W.
Washington, D.C. 20250
Phone: (202) 720-3697
Fax: (202) 690-3287

In accordance with 9 CFR Part 500.5 (d), you may request a hearing concerning this action by contacting:

Director, Evaluation and Enforcement Division
USDA/FSIS/OPEER
Congressional Quarterly Building, Room 300
Washington, D.C. 20250
Phone: (202) 418-8872
Fax: (202) 418-8896

Please submit all written responses to the Denver District Office. If you have any questions regarding this matter, you may contact the Denver District Office at (303) 236-9800.

Sincerely,



Dr. Ron Nelson
District Manager
Denver District

cc: Establishment File
Reader File
S. Wagner, DDM
A. Gallegos, DDM
R. Reeder, DDM
S. Symons, DDCS
[REDACTED], FLS
[REDACTED], CSI
IIC/PHV
M. Siller, RM/OPEER